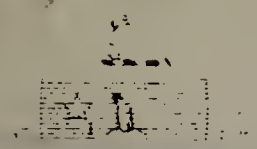
MASS. EA1.2: C33/2-2



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The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street, Boston, 02202

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

SUSAN F. TIERNEY
SECRETARY

(617) 727-9800

July 12, 1991

DEC 12 1991
University of Massachusetts
Depository Copy

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME	:	MBTA 1991 Fare Increase
PROJECT LOCATION	:	MBTA Service District
EOEA NUMBER	:	8684
PROJECT PROPONENT	:	Massachusetts Bay Transit Authority
DATE NOTICED IN MONITOR	:	May 8, 1991

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, s. 61-62H) and Sections 11.04 and 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that the above project requires the preparation of an Environmental Impact Report.

INTRODUCTION

The Massachusetts Bay Transit Authority (MBTA) has filed an Environmental Notification Form (ENF) for a proposed fare increase. The proposal is to increase fares by an average of 20.7 percent systemwide. The last fare increase was in 1989. The 1989 and 1991 fare increases together result in a systemwide increase in excess of 30 percent over three years and are expected to lead to a decrease in transit ridership of 43,000 trips a day.

The proposed 20.7 percent increase is expected to raise revenues by an additional $21 million a year. The increase will affect fares on local buses, the subway, and commuter rail. It will also raise fares for senior citizens and persons with disabilities. The increase will affect hundreds of thousands of citizens, from Duxbury to Ashland to Manchester, who live and visit in the MBTA District and use public transportation. The MBTA estimates that as many as 43,000 transit trips will be diverted as a result of the increase. While some of those trips may just never be made, the vast majority of the diverted transit trips will require former transit riders to get into their automobiles and join the millions of other vehicles already on

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the highways and city streets of the metropolitan Boston area.

The MBTA states in the ENF that this fare increase is necessary because of continuing decreases, either relative or absolute, in other sources of funding. Based on my understanding of the current fiscal crisis facing the Commonwealth, I firmly believe that if the $21 million in revenue expected to come from the fare box is not collected, the $21 million will not be obtained from the General Fund. With no ability to increase the federal or local shares, and since other sources of revenue do not currently exist, the MBTA has proposed this increase in fares to avoid significant cuts in service.

There is no dispute that Massachusetts has a serious air pollution problem. The entire state is classified as nonattainment for ozone; numerous metropolitan areas in the Commonwealth are classified as nonattainment for carbon monoxide. Governor Weld recently designated Massachusetts' condition of non-attainment as "serious" within the meaning of the 1990 amendments to the federal Clean Air Act. That designation means that the Commonwealth will have to implement numerous stringent measures to reduce emissions of those pollutants so that the state will be brought into compliance by the year 2000. We must be extremely cautious about any activity that will lead to an increase in emissions of carbon monoxide, hydrocarbons and nitrogen oxides because it will just mean having to impose even stricter measures to achieve the reductions elsewhere. The more mobile source emissions increase, the more reductions will have to be squeezed from stationary sources, such as dry cleaners, autobody painting businesses, and the like.

The ENF states that daily emissions of hydrocarbons will increase by 0.42 percent in the metropolitan Boston area as a result of this fare increase. That may appear trivial, but in light of the fact that the Clean Air Act will require that emissions <u>decrease</u> by 3.0 percent a year, 0.42 percent is a significant increase, and will have to be offset by reductions elsewhere.

In my view, the potential environmental impacts of the fare increase are significant. I am therefore requiring that an EIR be prepared. As I will discuss in greater detail below, however, in light of the impact that a delay in implementation of the increase would have on the MBTA's ability to maintain levels of service, it is my judgment that the environment is better served by allowing the increase to go forward prior to submission of the EIR. This judgment is based on my assessment of the facts

presented by the MBTA describing the service cuts that would be required if the fare increase were delayed; on direct conversations with the Secretary of Transportation and other EOTC and MBTA officials; and on my understanding of the overall status of the fiscal and budgetary circumstances now existing in the Commonwealth. In addition, it is my intention that this EIR go beyond a simple study of the impacts of this fare increase and support a genuine effort to develop funding alternatives to fare increases, so that the MBTA fares and other revenue sources support a transit system attractive to transit riders, since their trips benefit the environment by reducing the number of cars on the road.

During the public comment period for this project, there has been much debate about whether this fare increase is "categorically included" for preparation of an EIR pursuant to 301 CMR 11.25(19). Many commentors have argued that the fare increase will generate in excess of 3000 new vehicle trips daily, thus falling squarely within the requirements of that regulation. The MBTA maintains that 11.25(19) applies to the construction of facilities such as office buildings and shopping centers that are trip "generators" within the strict definition of the Transportation Research Board's Urban Public Transportation Glossary.

I need not decide this question today. As I have indicated, I believe that the potential environmental impacts of this action are significant enough to require the preparation of an EIR regardless of whether it is categorically included or not. Moreover, it is my judgment that if the project were categorically included, requiring the completion of the EIR prior to implementation of the fare increase would cause an undue hardship to the public because service would have to be cut and, under the conditions I will set forth herein, would not serve to minimize or avoid environmental harm. Indeed, it is my belief that this EIR will bring about environmental benefits greater than those that would be achieved by requiring a fare increase EIR prior to implementation. Thus I believe that the requirements set forth in 301 CMR 11.18 for granting a waiver of that requirement would be met in this case.

I am mindful of the opportunities for public comment afforded by the MEPA regulations under the waiver procedure for categorically included projects. Therefore I have provided as much opportunity for public comment as the waiver procedures would allow. I published this document as a Proposed Certificate in the Environmental Monitor of June 26, 1991, for a 14 day

public comment period. In addition, I required that the MBTA file with the MEPA Unit no later than July 3, 1991, an Impact Minimization Report and Ridership Estimate Procedures and make those documents available for public review and comment. The MBTA's agreement to an extension of the review period for the ENF has accommodated this procedure.

I have received numerous thoughtful comments during this comment period. I sincerely appreciate all the time and effort interested citizens have given to this issue, particularly in light of the short comment period. I will respond to various of these comments throughout the body of this final decision.

As described in the ENF, the MBTA has five sources of funding: 1) contributions from the federal government; 2) contributions from the 78 cities and towns that are members of the MBTA service district; 3) miscellaneous non-fare sources of revenue, such as advertising, parking fees, and the like; 4) contributions from the General Fund; and 5) fares. The comment of the American Automobile Association points out that additional revenues come from the State Highway Fund. Of these sources, the federal share has decreased from 11 percent in 1980 to 3.5 percent at present, and local assistance has decreased from 34 percent in 1981 to 20.7 percent at present as a result of the Proposition 2 1/2 cap. Non-fare revenues have tripled since 1984, but still amount to a very small percentage of the MBTA's annual budget. Even with the 1989 fare increase, appropriations from the General Fund have increased by 12.4 percent a year.

According to the material submitted by the MBTA to the MEPA Unit on June 13, 1991, the service cuts that would be required in response to reductions in state aid would lead to greater adverse impacts on air quality, because they would cause a greater diversion of transit riders to automobiles. In order to save $21 million, the MBTA could either eliminate certain services altogether or reduce service systemwide. In the first case, elimination of 57 of the 153 bus routes operated by the MBTA would generate a net savings of $20 million. These routes carry 80,000 riders a day. Thus the loss in ridership would be almost double what is predicted with the proposed fare increase.

The second scenario for service cuts described by the MBTA is that they be made across the board. The result of such cuts on the bus routes would be a much greater percentage of people standing on buses or being bypassed by buses at peak travel times, and much longer waits between buses (30 - 60) minutes instead of 15 - 30 minutes) at off-peak hours. Increasing

headways for the subway, closing some station entrances, reducing overall hours of service, and providing buses for some portion of rapid transit routes are examples of service cuts that would have to be implemented if fares are not increased. According to the MBTA, service cuts of this nature would result in diversion of over 60,000 riders to auto use. The service cuts would therefore lead to more cars on the road, and therefore more air pollution, than the proposed fare increase.

Although the service cuts have not been described with the specificity that would be necessary if they were actually going to be implemented, I find persuasive the basic point that more riders would switch to cars as a result of service cuts than a fare increase. Particularly at this time, when the Central Artery/Third Harbor Tunnel project will be causing serious disruption, the MBTA should be doing everything in its power to increase and improve service, so as to attract new riders. Moreover, the possibility that a significant number of bus routes would be completely eliminated, with not only environmental consequences, but social and economic consequences as well, is unacceptable. It is my judgment that service cuts of this nature would work an undue hardship and result in significant adverse impact on the environment, and especially on air quality, because many citizens who have relied on transit would have to make their trips by car.

The Conservation Law Foundation (CLF) has argued in its comments that the spectre of service cuts does not loom so large. CLF correctly states that, by statute, the MBTA must be reimbursed by the Commonwealth for its net cost of service. G. L. c. 161A. Thus, CLF argues, the MBTA is not faced with the two unpopular alternatives of raising fares or cutting service. Its other option is simply to spend the money and seek reimbursement, to which it is legally entitled, from the Commonwealth.

CLF is technically correct, The fiscal and political reality, however, is that the $21 million the MBTA expects to raise through the fare increase does not exist in the state budget. The MBTA Board of Directors must realistically plan a set of expenses that lives within the means of the larger state budget. The Governor and the legislature have made it abundantly clear that they will cut expenses and attendant public services to meet revenue shortfalls rather than raise taxes. I firmly believe that the Board will not spend money it knows is not there, even if it has a technical legal right to do so. (It is a bit like, on a personal level, a household limiting its actual

expenses and borrowing so that it lives within its actual income, even though the family has lines of credit that would technically allow higher debt. Rather, the Board understands and appreciates this reality and will design its own budget to be consistent with the funds that are available to it for reimbursement. I am therefore confident that service cuts would be implemented if fares were not increased. Since I believe that more transit trips would be lost if service were cut than if fares were raised, I will not delay the fare increase pending the preparation of the EIR.

However, although I will allow the preparation of the EIR to occur after the fare increase is implemented, I am requiring that prior to the implementation of the fare increase, the MBTA take all feasible steps to minimize the loss of ridership, the increase in car trips, and the resultant air quality impacts that are expected to result from the increase.

The Impact Minimization Report of July 3, 1991, contains a number of specific measures that will be implemented prior to or in conjunction with the fare increase designed to minimize ridership loss. These include reducing the fare for senior citizens and the disabled from $0.25 to $0.20, delaying the increase in passes for one month after the cash fares are increased, additional discounts on the commuter rail, and changes to the proposed commuter rail on-board surcharge. As the report points out, many of the mitigation measures will only be effective if they are aggressively marketed (the delay in increasing monthly pass prices is one example). Thus between now and the implementation of the increase, I expect the MBTA to focus energetically on how best to notify riders that passes, discount tickets, etc. are available.

I fully expect that the DEIR will further the discussion of mitigation measures. Moreover, I expect the DEIR to provide data and analysis of where ridership loss has occurred as a result of the fare increase, so that mitigation measures can be targeted to those riders. For mitigation measures that have already been identified as effective and committed to in principle (such as the installation of token vending machines), the DEIR must include a specific schedule for implementation.

Finally, it is my intention that this EIR address more than the specific environmental impacts of the fare increase proposed in the ENF. It is essential that the MBTA review the impacts of the current fare increase proposal in the context of long-term fare policy and financing issues. I am aware that the MBTA has

been directed to prepare a long-term fare policy document in the past. Unfortunately, prior documents have not been successful in addressing and making progress towards resolution of the key policy questions that are the focus of debate. Previous EIRs have not enunciated clear policies on how and when fares would be increased, of mitigation measures that can be implemented to minimize the loss of ridership, and of alternative sources of funding, dedicated to the cost of operating the MBTA system and not so dependent on the year-to-year results of the budget process. The EIR required by this Certificate should be that document. The MBTA's willingness to focus on these issues in a serious way and move the process forward will bring about environmental benefits in excess of those that would be achieved by the preparation of an EIR focussed on the impacts of the proposed fare increase alone.

With the satisfactory completion of these two conditions, i.e., the submission of an Impact Minimization Report and the completion of an EIR within a relatively short timeframe that will address the long term policy questions and provide a framework for development of those policies and for future decision-making, I believe that the environmental impacts of this fare increase will be minimized and greater environmental benefits will ultimately be realized than if the EIR were to be prepared prior to the implementation of the fare increase and anticipated service cuts were to go into effect.

It is my clear expectation that in the relatively near future, the MBTA will have prepared and adopted a Fare Policy that provides guidance and standards for proposing and implementing future fare increases and, through the EIR, will have significantly advanced the search for alternative sources of funding. It is based on this expectation that I can agree to implementation of the increase prior to completion of the EIR. Therefore, if within eighteen months of the date of my Final Certificate on the ENF, the MBTA has not submitted a Final EIR which I find to be adequate, the fares shall be rolled back to their May 1991 levels. The MBTA Advisory Board has cautioned that requiring a fare rollback in the middle of the fiscal year would likely result in service cuts for the remainder of that fiscal year. While I intend to require a fare rollback if an adequate FEIR has not been submitted according to the deadline set forth herein, I will determine the actual date of implementation of the rollback if and when the time comes.

SCOPE

The EIR should follow the outline contained at 301 CMR 11.07, as modified by this scope. It should contain a copy of the Final ENF Certificate, as well as the comments received on both the ENF and the Proposed Certificate. It should respond to those comments, either directly, or in such a way that a commentor can readily discern the response.

I. Impacts of the Proposed Fare Increase

This section of the EIR should lay out a three step analysis of the environmental impacts of the fare increase.

A. Ridership Impacts

The EIR should analyze the impacts on ridership of the fare increase. Using the Ridership Estimates Procedures for the 1991 Fare Increase of June 28, 1991, and using the pre-fare increase counts as baseline data, the EIR should quantify the loss of ridership experienced as a result of the fare increase. I agree that it is appropriate to use the Fall 1989 counts as the pre-fare increase counts. Post-fare increase counts should be taken at six months and one year. The outline used by the MBTA for the 1989 Revenue and Service EIR is a helpful guide to the factual information required for this assessment. Measurement of ridership before and after the increase should be done at comparable periods of time for each mode, and must include special services such as express and zoned buses. The analysis must lay out the assumed costs of alternatives to fare increases, e.g., the costs associated with automobile travel.

Numerous commentors have requested that an analysis of the socio-economic impacts of the fare increase be included in the EIR. I agree that evaluation of the effect of the fare increase on different economic and social groups is warranted, especially given the proposed increases in bus fares and fares for elderly and handicapped riders.

B. Environmental Impacts

The EIR must include an analysis that translates ridership loss into new automobile trips produced, along with estimates of the character (e.g., length, route) of such trips. The EIR must then evaluate the effect of these new trips on air quality.

The air quality impacts of this increased vehicle usage must be described, for all relevant pollutants, through both mesoscale and microscale analysis, as appropriate. The MBTA should consult with the Department of Environmental Protection/Division of Air Quality prior to and during the preparation of the air quality analysis. This discussion must include analysis of the relationship of the fare increase to the Massachusetts State Implementation Plan (SIP) and how the loss of ridership associated with the fare increase will affect the Commonwealth's ability to meet its obligations under the federal Clean Air Act.

C. Mitigation Measures

This portion of the report is critical, if the goals described in the 1989 Service and Revenue EIR are to be achieved. One of those goals was that no fare increase should cause a loss of ridership of more than 5 percent. A second goal was that the cost of public transportation remain competitive with that of automobile use. Adjusting the fare structure, or implementing other creative measures to retain riders may be necessary.

The EIR should continue the discussion begun in the Impact Minimization Report. The effectiveness of the mitigation measures implemented prior to the fare increase should be reported. Additional measures should be analyzed and a commitment and schedule for implementation be included.

II. Comprehensive Fare Policy

The Certificate on the Final Revenue and Service EIR required that a comprehensive fare plan, which the MBTA Advisory Board had asked the MBTA to prepare, be filed with the MEPA Unit by way of a Notice of Project Change prior to the filing of an ENF for another fare increase. Because the fiscal situation in the first six months of 1991 has been much worse than was expected, this fare increase has been proposed earlier than it otherwise would have been. As a result, this proposed fare increase has preceded the filing of that fare plan. I require that the fare plan be included in the DEIR.

In addition to technical issues, such as transfers and intermodal usage, advanced fare collection equipment and the like, the fare plan should address policy issues pertinent to fare increases, including scheduling and frequency of fare increases, indexing of fare increases to the cost of automobile

use, identification of predictable factors that would trigger a fare increase, and the public process to be used by the MBTA to notify and take comment from the public on future proposed increases. The fare policy should also present a viable proposal for mitigation of ridership losses of a given magnitude for future fare increases. In other words, if a fare increase decreases ridership by more than a certain identified amount, what mitigation measures would be implemented? The Advisory Board has required that the fare plan be completed prior to the vote on the MBTA's FY93 budget. It must therefore be included in the DEIR. If the current increase is inconsistent with any of the policies established by this fare plan, the MBTA should indicate in the DEIR how it will modify the fare structure or implement other measures to correct that inconsistency.

The purpose of the fare policy document is to set out objective criteria and clear policies that the MBTA will follow in proposing and implementing future fare increases. If it is successful, it should make environmental review of future increases more straightforward.

III. Alternatives to Increasing Fares

The 1989 Revenue and Service EIR declared in several places that a serious effort should be made to identify alternative sources of funding for the MBTA system, including dedicated sources of funding. I intend that the EIR that I am now requiring be prepared as a key instrument to advance that effort, by providing analysis and recommendations. I recognize that the MBTA on a daily basis is pursuing ways to cut costs and improve efficiency of the system. The EIR should discuss these ongoing steps and any others that the MBTA can take unilaterally to cut costs, improve efficiency, decrease fare evasion, etc. The comments filed on the ENF contain numerous specific suggestions for alternatives that should be considered.

Some of these alternatives clearly are not within the control of the MBTA. For these, the EIR should indicate the process and the participants that would be necessary to carry them forward. I emphasize, however, that the fact that a particular alternative is not within the control of the MBTA does not absolve the MBTA of its obligation to discuss it seriously in the EIR. The discussion must include an analysis of funding sources used by public transit systems in other metropolitan areas. An evaluation of the costs and benefits of various alternative funding sources must be included. The EIR must also

analyze the environmental impacts of the funding alternatives so that comparisons can be made among them. Finally, the EIR must make a recommendation as to which alternative, or combination of alternatives (no matter under whose control) should be pursued.

IV. Miscellaneous

A. Revenue and Service Advisory Committee (RSAC)

As indicated in the Certificate on the FEIR for the last fare increase, the RSAC should continue to function and provide comment to the Secretary of Environmental Affairs on future filings. I expect the MBTA to consult regularly with the RSAC during the preparation of the various documents required by this Certificate and to provide copies of formal submissions to the RSAC at least 15 days prior to submission to the MEPA Unit.

It has been suggested that the RSAC be expanded. I agree with this suggestion. Persons wishing to be appointed to the RSAC should file a request with the MEPA Unit by August 12, 1991. Current members should indicate their desire to continue as members by that date as well. I will then designate a reasonable number of representative individuals to comprise the RSAC.

B. Timing of Submissions

The analyses to be presented in the EIR will be of greater value if they are completed quickly. While I agree that some time will be required to compile and analyze the post-fare increase ridership counts, a six month delay between the taking of the counts and the filing of the DEIR is unacceptable. Many parts of the DEIR can be prepared in parallel with the data collection and analysis. Thus I require that the DEIR be submitted approximately nine months after the implementation of the fare increase (it should include the results of the first post-increase ridership count). The FEIR should be submitted approximately nine months after submission of the DEIR (it should include the results of the second post-increase count). With this schedule, the second set of post-fare increase counts can be taken after the implementation of any mitigation measures identified in the DEIR.

C. Future Adjustments to Fare Structure or Mitigation

Adjustments to the fare structure or the need for additional mitigation shall be triggered by either of two circumstances:

the indexing policy developed as part of the Fare Policy document demonstrates that the fare structure is not competitive with the cost of driving an automobile, or the ridership counts taken at the end of the first year of the increase show that ridership has decreased by 5 percent or more systemwide or by 10 percent or more on any individual mode. (While I am sympathetic to the comment of the MBTA Advisory Board that factors other than the fare increase, such as economic conditions, may contribute to a decrease in ridership, I have been provided no basis to believe the MBTA has a reliable methodology for attributing the loss in ridership to various causes.) In either case, the MBTA shall propose, within 90 days of either a determination that the fare structure is inconsistent with the indexing policy or a finding that ridership has decreased by 5 percent or more systemwide or 10 percent or more on a individual mode, a method to restructure fares or provide additional, effective mitigation that will correct the situation. That proposal shall be subjected to a 30 day public review and comment period. The MBTA shall implement the mitigating measures within 60 days of the close of that comment period.

There shall be no additional increases in fares beyond the fare increase proposed by this ENF or increases in fees at MBTA parking facilities until the FEIR has been found to be adequate. In addition, the MBTA must notify me of any proposal to cut service during the pendency of this review process.

If within eighteen months from the date of my Final Certificate on the ENF, the MBTA has not submitted a Final EIR which I have found to be adequate, the fares shall be rolled back to their May 1991 levels.

D. Circulation

Copies of the EIR should be circulated as required by the MEPA regulations and should also be provided to all commentors listed at the end of this Certificate, and the RSAC as described above. I caution the MBTA to assure timely service of its submissions, and note the concerns expressed by one commenter about his past experiences. Delay in service of relevant documents will result in extensions of public comment periods.

E. Conclusion

In my judgment, the above decision presents the best way to move this process forward. It avoids the need for the drastic service cuts I believe would be necessary if the fare increase

were postponed for any significant amount of time. On the other hand, it clearly directs the MBTA to articulate a method for resolution of these serious and recurring questions surrounding the environmental impacts of service and fare changes in mass transit services.

July 12, 1991
DATE

Susan F. Tierney, Secretary

Comments received: C. Bahne, Jr. 5/23/91
on the ENF Conservation Law Foundation 5/30/91
MBTA Advisory Board 5/28/91
Boston Transportation Department 5/28/91
S. Kaiser 5/24/91
A. Johnson 5/15/91
Sierra Club 5/28/91
Cambridge Citizens for a Liveable Neighborhood 5/23/91
Department of Environmental Protection 5/21/91
Metropolitan Area Planning Council 5/16/91
Association for Public Transportation 5/28/91

Comments received on the Proposed Certificate:

MBTA 7/9/91
American Automobile Association 7/10/91
MBTA Advisory Board 7/9/91
BRA 6/28/91
S. Kaiser 6/28/91
Clark Frazier 7/10/91
CLF 7/10/91 and 7/11/91
Ann Johnson 6/22/91
C. Bahne, Jr. 7/11/91
Sierra Club 7/11/91

SFT/JGM/jgm

MASSACHUSETTS
BAY
TRANSPORTATION
AUTHORITY

James E. Rooney
Acting General Manager
Transportation Building
Ten Park Plaza
Boston, Massachusetts 02116

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MEPA

9 July 1991

Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

Attention: Ms. Janet McCabe
MEPA Unit

Subject: EOEA No. 8684
MBTA Fare Increase

Dear Ms. McCabe:

The MBTA has reviewed the Secretary of Environmental Affairs June 19, 1991 Certificate on the Environmental Notification Form (ENF) for the subject action and we offer the following comments for your consideration.

- Section IV. B. Timing of Submissions:

  The Certificate requires:

  - submission of a Draft Environmental Impact Report (DEIR) six months after implementation of the fare increase complete with the first post-increase ridership count.

  - submission of the Final Environmental Impact Report (FEIR) six months after the DEIR complete with the results of the second post-increase ridership count.

  In Section I. A., the timing for post-increase ridership counts is defined as six months after the fare increase and one year after the fare increase.

  We are concerned that the simultaneous requirements to count riders and issue reports will be impossible to fulfill.

Given data compilation and analysis requirements, we respectfully propose the following schedule for your consideration:

- Six months after fare increase implementation: Begin post-increase ridership counts:

  Assuming a fall implementation, ridership counts would begin in the spring of 1992. Data is best scheduled for spring or fall since these seasons most reflect average ridership levels.

  Estimates of the time required to complete the counts were obtained from Central Transportation Planning Staff(CTPS). Even after trimming two months from the schedule by doing work in parallel. the following time is required to complete the counts:

  - Three months to conduct the counts. Because the current fare collection equipment does not support automated counting, this requires a manual effort and extensive sampling. As described in the methodology submitted previously, we have expanded this effort to address concerns about accuracy on specific segments of the system.

  - Two months for editing and processing the data which includes an allowance for recounts as required.

  - One month to disaggregate and analyze related revenue data.

  - One month to incorporate results into DEIR and recommend mitigation action as necessary.

With simultaneous data processing and revenue analysis, we could complete the counts and DEIR six months after beginning the process or one year after the fare increase is implemented.

While we share the Secretary's desire to understand the impact of the fare increase as soon as possible, we want to insure the value of the analysis.

If this timing is acceptable, it may be worth rethinking the second set of post-increase ridership counts.

As currently scheduled, we could begin the second counts in the fall of 1992 and incorporate them into a final EIR for submission six months after the DEIR.

Alternatively, it may be worth considering delaying a second post-increase count process until after implementation of any mitigation measures that may be recommended in the DEIR.

o Section I. A. Ridership Impacts:

In the section on scope there is a sentence which reads, "The analysis must lay out the assumed costs of alternatives to fare increases, e.g., the costs associated with automobile travel." We assume this means that the relative cost of transit travel with increased fares should be compared to the cost of automobile travel. Please clarify if we have misinterpreted this sentence.

Thank you in advance for your consideration of these comments.

Sincerely,

Donald J. Kidston
Project Manager/Development

CC: David Soule
Stephen Chait
Andrew Hamilton, Esq.
Anne Larner
John M. Noorjanian
Geoff Slater
Sonia Hamel
Ann Johnson
Dan Geer
John Deacon
Richard Dimino
John Anderson
Stephanie Pollack
Stephen Kaiser
Charles Bahne

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JUL 1 [illegible] 1991
MEPA

American Automobile Association

Dwight L. Conant
General Manager

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Fairhaven

Daniel F. Morley
Cambridge

Ruth C. Scheer
Brookline

Hon. Walter J. Sullivan
Cambridge

TO: Secretary of Environmental Affairs
Susan F. Tierney

FROM: Dwight L. Conant, General Manager, AAA Massachusetts/New Hampshire

DATE: July 10, 1991

PROJECT NAME: MBTA 1991 FARE INCREASE

EOEA NUMBER: 8684

On behalf of almost one million members throughout Massachusetts, many of whom are MBTA users and all of whom subsidize the operation of the MBTA, the American Automobile Association supports your decision that the MBTA include an investigation of alternative forms of financing in its EIR on the above captioned matter.

We would also like to take this opportunity to comment on two portions of the proposed certificate. First, the certificate relies on an MBTA estimate that the proposed fare increase will result in a decrease in ridership of 43,000 trips per day. We have no evidence that would cause us to doubt this estimate, but we very seriously doubt any conclusion that those riders are lost for good and that they could not be lured back.

An MBTA commuter can expect to pay a total of about $300 to $500 annually for monthly passes, while an auto commuter's driving costs are likely to be $1,500 dollars or considerably more each year. Driving will never be less expensive. After a fare increase, some commuters may conclude that driving would cost less, but they would be wrong. Unfortunately a mind set exists now that sends people into a panic mode every time a fare increase is proposed. We hear that fare increases will drive people away and therefore everything possible should be done to avoid them. That is a completely defeatist attitude.

OTHER OFFICE LOCATIONS

After a fare increase (in fact, after several fare increases) the MBTA will remain a tremendous bargain when compared to commuting by auto. Everything possible should be done to educate commuters as to the incredible bargain that they have available to them in the MBTA. An additional several million dollars spent creatively on targeted public information is certainly a better investment than in the long run paying a several hundred million dollar "ransom" to prevent riders from making a misguided decision to give up one of the last great bargains available to them.

With regard to the MBTA's current funding, we would like to clarify an omission in fact on page four of the proposed certificate. The third paragraph states that there are five sources of funding for the MBTA, the federal government, 78 cities and towns in the MBTA service district, miscellaneous non-fare sources such as advertising, parking fees, and the like, contributions from the General Fund, and fares. One very significant contributor is noticeably absent from this list- the state's Highway Fund. In addition to the 15 percent of state gas tax revenues that go to the General Fund for MBTA purposes, there are several MBTA line items in the state budget which over the past decade have called for a 20 percent Highway Fund contribution. These line items include Additional Assistance to the MBTA, Certain Debt Service Contract Assistance to the MBTA, Reimbursement to Common Carriers of Passengers for Vehicle, Fuel Excise Tax, Certain Contract Assistance to Regional Transit Authorities, and Reimbursement to the MBTA for Certain Commuter Rail Assistance.

Undoubtedly, several individuals and groups will argue that motorists are not paying their fair share to subsidize mass transit and therefore ought to pay more to support the MBTA. In fact, between November 1988 and July 1990, motorists contributed nearly $200 million in gas tax and motorist fee revenue to the MBTA, almost exactly the same amount that MBTA riders paid in fares. During that same period, while MBTA riders enjoyed the benefit of mass transit improvements, not one contract for much needed road and bridge repair went out because there was not enough money left for a road repair program.

Last year's increase in the state gasoline tax will not balance that discrepancy. Without a significant change in funding methods, in the year 2000 the gas tax and Highway Fund portion of the state's contribution to subsidize the MBTA - over and above the FY '90 level of

contribution - will be an amount equal to more than 75% of the annual take of last year's gas tax increase. For some, sending the lion's share of gas tax money to the MBTA may sound like a good idea. But we must all recognize that what is needed is a balanced approach to transportation issues and infrastructure financing.

MBTA funding is highly complex and confusing. It's time to create a separate mass transportation fund so that the governor and the legislature can deal with well defined, dedicated revenue and make responsible and informed decisions on how to best collect and spend the funds necessary for our mass transit needs.

Advisory Board

120 Boylston Street, Suite 504, Boston, Massachusetts 02116 Tel. 617-426-6054
FAX 617-451-2054

July 9, 1991

Susan F. Tierney, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

RECEIVED
JUL 10 1991
MEPA

Re: EOEA #8684 MBTA 1991 Fare Increase

Dear Secretary Tierney:

The following represent the comments of the MBTA Advisory Board on the Proposed Certificate on the Environmental Notification Form for the MBTA fare increase.

In the event of a shortfall in State funding for the MBTA, we agree that allowing the fare increase to proceed prior to the preparation of an EIR is preferable to the alternative of significant service reductions. Furthermore, the requirement that the EIR contain substantive and useful information well beyond that required to assess the simple impacts of this increase is consistent with our desire for the MBTA to develop a long-range, comprehensive fare and revenue plan. In particular, we support the Secretary of Transportation's desire to allow the sharing of surplus funds between the various agencies under his control, such as Massport and the Turnpike Authority. We support your request that the MBTA expressly recommend additional alternative revenue sources for further advancement.

We have questions or concerns about the possible interpretation of several of the requirements stated in the Proposed Certificate, however.

The relationship of MBTA fare increases to the State Implementation Plan (SIP) for the Clean Air Act must be more fully investigated. This proposed fare increase is expected to cause an additional 43,000 daily vehicle trips, as well as generating an additional $21 million in revenue for the MBTA. Provisions of the SIP, however, are likely to include required investments by the MBTA designed to divert trips from automobiles to mass transit. We are concerned that the MBTA will ultimately be required to spend much more than $21 million just to eliminate the same 43,000 vehicle trips that the fare increase is expected to create.

The timing of ridership counts seems inconsistent with the requirements for the submission of the Draft and Final EIRs. On page 7 of the Certificate,

it is stated that the "post-fare increase counts should be taken at six months and one year." On page 10, it is required "that the DEIR be submitted approximately six months after the implementation of the fare increase (it should include the results of the first post-increase count)." Likewise, the FEIR is required to be submitted six months later, and include the second ridership count. It is intuitive that requiring the EIRs to be submitted at the same time as the ridership counts are performed will make it difficult for the MBTA to adequately analyze the observed ridership levels. It would seem prudent to require a longer interval between the counts and the submission of the reports by advancing the counts by several months.

In addition, we are concerned that a fare rollback in the event of a significant delay in the approval of the FEIR would have serious negative impacts on MBTA service. This rollback, which would take place in October, 1992 (assuming a July 12, 1991 date of the final ENF certificate), would require major adjustments to be made in the MBTA's FY93 budget as well as the FY94 budget which at that time will be in the final stages of approval. Given the experiences that led to service cuts in 1980, 1981, and 1989, it is likely that reducing fares in the middle of the fiscal year would result in similar types of service cuts in an effort to balance the FY93 budget. Although we support the intention of the fare rollback, we recommend that the timetable be altered slightly so that a determination of noncompliance would impact only the FY94 budget, by delaying the reduction until July, 1993. At the same time, however, that determination should be made by October, 1992, so as to allow the FY94 budget to be approved with a certainty about fare levels.

The language regarding the comprehensive fare plan also deserves some clarification. The Proposed Certificate states that the DEIR (due in March 1992) should include the "fare policy that the MBTA is recommending that the MBTA Board of Directors adopt," with a Board of Directors-approved fare policy not due until the FEIR in the fall of 1992. However, the Advisory Board has required that the MBTA complete its comprehensive fare plan "prior to the vote on the MBTA's FY93 budget." This typically would occur in November, 1991. We believe, then, that it would be mutually beneficial for the Certificate to recognize the Advisory Board's timetable for approval of a fare policy and help to expedite the process.

We believe that the strict interpretation of the wording of section IV-C of the EIR Scope would require the MBTA to provide increased fare mitigation if systemwide ridership drops by 5% or greater. As MBTA ridership is heavily dependent on employment and economic activity in the Boston region, a 5% drop in ridership could easily occur even in the absence of a fare increase, should the current recession worsen in the next year. We urge you to modify this ruling so that the 5% decrease refers to MBTA ridership when measured against other indicators of Boston area travel activity, such as traffic counts on toll highways, with further adjustments made to counter seasonal variations where appropriate.

In addition, we have attached comments on several more minor, technical issues that relate to specific items that we feel are important in the scope of the EIR.

Sincerely,

Anne M. Larner

Anne M. Larner
Executive Director

cc: R. Taylor, EOTC
J. Rooney, MBTA
J. McCabe, EOEA

Technical Issues

1. The discussion of the socioeconomic impacts of the fare increase needs to specifically include a discussion of the implementation of a peak/off-peak differential for elderly and handicapped riders. While we are sensitive to the limited incomes of many of these patrons, at the same time it is important to distinguish between those working persons who may be able to afford a higher fare (and generally travel during the peak period) and those on a fixed or limited income for whom deeply discounted fares for off-peak travel are truly appropriate. In addition, the impact on socioeconomically disadvantaged riders who are not elderly or handicapped must be considered, as the impact of the increase on these full-fare paying riders may be even greater than that on the discounted fare riders.

2. The certificate is unclear as to whether the MBTA must include an evaluation of the two fare structure alternatives that it has thus far presented publicly, or whether the only fare structure to be considered in the EIR is whatever form is finally approved by the MBTA Board of Directors and Advisory Board.

3. We urge you to require the MBTA to consult with the Advisory Board as it develops its procedures for passenger counts. As we have traditionally been a harsh critic of MBTA data collection efforts, the EIR presents an excellent opportunity for the MBTA and Advisory Board to agree on proper procedures.

4. Since this is the first systemwide fare increase in 10 years (the 1989 increase having not included local buses), we hope that you would require the MBTA to explicitly calculate the elasticities observed from the changes in fares and ridership.

5. We urge caution in indexing future MBTA fare increases specifically to the cost of automobile alternatives. It is our belief that the most appropriate index is one that is proven over time, with a limited volatility. Most instantaneous measures of automobile cost, which rely heavily on widely fluctuating gasoline prices, would be inappropriate bases for determining fare level. More reasonable indices are available or can be developed which will provide realistic, non-volatile measures of the relative price of MBTA services.

BOSTON
REDEVELOPMENT
AUTHORITY

Raymond L. Flynn
Mayor

Stephen Coyle
Director

One City Hall Square
Boston, MA 02201
(617) 722-4300

RECEIVED
JUL 1 1991
MEPA

6. 28. '91

Secretary Susan Tierney
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

Attention: MEPA Unit

RE: EOEA #8684 - MBTA 1991 Fare Increase

Dear Secretary Tierney:

Pursuant to regulations implementing M.G.L., Chapter 30, Sections 62-62H, the Boston Redevelopment Authority has reviewed the above-referenced Environmental Notification Form and submits the following comments.

The proposed action consists of an increase in MBTA bus, subway, and commuter rail fares by approximately 20.7% on a systemwide basis. Two proposed options for the increase are under consideration by the MBTA. The action is deemed to be necessary in order to maintain acceptable levels of transit service in view of the limited availability of other public funding.

We recognize that there is a need to raise additional revenues in order to support satisfactory and reliable levels of public transportation, and we also recognize that current MBTA fares are relatively low in comparison with other major cities. However, we do note a concern regarding the number of MBTA commuters who may divert to automobile use because of the fare increase; and, the impact of this increased vehicular use on traffic and air quality during construction of the Central Artery.

This major construction project will have considerable impacts on the existing vehicular traffic in the vicinity of the project, particularly in downtown Boston. Adding a significant volume of new automobile traffic during this construction period could adversely effect local businesses in the central area of Boston during this period of slow economic growth. Therefore, we recommend that the MBTA give full consideration to keeping any fare increases as low as possible.

Our paramount concern is the preservation of reliable and affordable public transportation service for the residents of Boston, while ensuring that vehicular traffic in the City is not

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adversely affected. Within this framework, potential impacts on the city's traffic must be mitigated to the maximum extent possible.

We also note that the Traffic and Air Quality Mitigation Memorandum of Understanding for the Central Artery/Tunnel project, executed by the EOTC, the Massachusetts DPW, and the Conservation Law Foundation, specifically agreed that any increase in MBTA fares should not exceed the rise in cost of fuel, tolls, and other costs of automobile use, or the rate of inflation, whichever rate of increase is lower. The MBTA should indicate, therefore, how and if the proposed action is consistent with this agreement.

Sincerely,

Paul Reavis
Assistant Director for
Engineering and Design Services

c: Donald J. Kidston
M.B.T.A.

RECEIVED
JUN 28 1991
MEPA

191 Hamilton Street
Cambridge, Mass. 02139
June 28, 1991

Janet McCabe
Director, Environmental Review
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Mass. 02202

Subject : Comments on the (Draft?) EOEA Certificate on the 1991 MBTA Revenue Increase Proposal EOEA #8684

Dear Janet,

I am very puzzled by the June 19, 1991 "Certificate of the Secretary of Environmental Affairs" on the ENF for the MBTA Fare increase. There is nothing on the front page to indicate that it is a draft, is preliminary or is a tentative finding. Only on pages 3 and 11 does the reader find that this is a proposed certificate which will be subject to a 14-day comment period in the Environmental Monitor.

What process are we following here? While waivers have been discussed earlier, it appears that the MBTA has extended the comment period so that MEPA can in effect provide the Authority with a waiver without actually openly and legally providing a waiver. I find this a very disturbing action and strongly question its legality and propriety.

I believe this MEPA action goes beyond violating MEPA regulations, especially those involving waivers. It contravenes the basic MEPA statute, specifically Chapter 30, sections 62B and 62C. The MEPA law states that if the Secretary determines an Environmental Impact Report is required, then the report must be prepared and disseminated first, prior to commencement of the project. The exact language of 62B is :

> "An environmental impact report ... shall be prepared and disseminated to inform the originating or permitting agencies, reviewing agencies, the appropriate regional planning commission, the attorney general, and the public of the environmental consequences of state actions and the alternatives thereto prior to ...the commencement of the project if undertaken by an agency..."

The June 19, 1991 Certificate of the Secretary of Environmental Affairs is a clear finding that an EIR is required for this project. The logic of the certificates states the traffic, air pollution and transit ridership reasons for judging the project impacts to be significant and requiring preparation of an EIR. Therefore, the project cannot be implemented or initiated until the EIR is submitted and circulated.

Furthermore, Chapter 30, section 62C states that no agency shall commence a project until 60 days after the issuance of a public notice by EOEA that the EIR is available for review. The specifics are :

> "Any environmental impact report shall be submitted to the secretary of environmental affairs who shall issue public notice of the availability of such report...
> No agency shall undertake a project ... until sixty days after the secretary of environmental affairs issues such notice ..."

Section 62C also discusses the availability of "any draft or final report". Traditionally the MEPA interpretation has been that the 60-day clock does not begin until the filing of the Final EIR. Therefore, a reasonable and legal interpretation of the requirement for an EIR on the proposed MBTA fare increase is incompatible with any allowance of an early implementation of this fare increase prior to the submission of a Final EIR.

The only way that the MBTA fare increase can proceed in July 1991 is if MEPA determines that no EIR is required. I believe the situation is as simple as that, and that no degree of finagling by legal or quasi-legal minds at the MBTA can change this situation.

The MBTA in their letter of May 30, 1991 requested a waiver from an EIR, if there is a determination that the project is categorically included. The June 19 MEPA certificate in effect sidesteps the categorically included issue (as it automatically can in the event an EIR is called for) Legally, MEPA is saying to the MBTA and its waiver request, "waiver denied."

The next section of the June 19 Certificate involves very awkward and contorted logic. In effect, MEPA is granting a waiver to the MBTA without calling it as such. MEPA denies the formal waiver but gives the MBTA the equivalent of a waiver in everything but name. MEPA makes all the findings of "hardship" similar to those required for a waiver, almost as if the process were one of determining a "waiverless waiver". What is this new process which MEPA has invented? Is there any legal precedent or validity for it? I fail to see any, and instead see a very dangerous precedent being set -- if it were not so patently illegal.

On what legal grounds does MEPA stand, if they are not formally offering a waiver? Will this new process of "waiverless waivers" open up any new barn doors, as did the grossly political waivers offered to the Pyramid Companies in 1980, thereby triggering challenge by the Conservation Law Foundation and yielding the court consent judgment, CLF vs. Bewick, which set down the specific procedures for granting waivers. Most of these procedures were later codified in the 1987 revisions of the MEPA regulations. What sort of criteria or controls apply to the method of "waiverless waivers" inherent in the June 19, 1991 certificate?

I hope that MEPA applies some concentrated legal review to the actions inherent in this draft certificate.

The MBTA may assert that the 1989 fare increase is a legal precedent to the current action, since the MBTA was able to go ahead first with the fare increase, and do a study later. My response is that the MEPA action at that time was probably illegal, and the issue of categorical inclusion was never raised in 1989. The legal challenge period for the 1989 fare increase has passed. However, if the 1989 action was illegal or improper, we can correct the situation with the current fare increase proposal.

Suppose the powers that be decide .... "whoops, we made a mistake." One way out is to change the decision and require an "Environmental Impact Study" or "Environmental Assessment" or some other invented term which is distinct from Environmental Impact Report." Thus a non-EIR is required as a condition for accepting nothing more than an ENF. The waiver decision would need to be dealt with explicitly, but the MBTA strategy would be to "appease them with a study" as long as the T can raise fares first, as they did in 1989.

Any such strategy requires that we face directly the matter of categorical inclusion and the necessary legal findings if a waiver be granted.

========== IS A FARE INCREASE CATEGORICALLY INCLUDED? =========

There appears to be no challenge to the matter of how many transit trips would be lost and how many new vehicle trips would be generated from the proposed 20% fare increase. The figures of 43,000 lost trips and more than 30,000 added vehicle trips each day all come from MBTA sources.

The May 31 letter from the MBTA Construction Directorate asserts that the fare increase is not a "project" as defined by the MEPA regulations and the categorical inclusion language covering an "increase in vehicle trips" caused by the project does not apply to the MBTA. IS THE FARE INCREASE A "PROJECT"? The cover sheet for the ENF submission identified the 1991 fare increase as the "Project Identification" and then gives a "Project Description" which refers to the 20.7% fare increase. The sheet identifies the MBTA as the submitting agency, and was signed by Secretary Taylor on April 25, 1991. ....Folks, I think we have a project here. DOES THE PROJECT "INCREASE VEHICLE TRIPS"? The MBTA claims that it does not function as a trip generator according to the classical ITE definition. Two erroneous assumptions are inherent in this leap of logic, since the MBTA assumes that the only actions which increase trips are "generators" of trips and the only trip generators are those defined by ITE. Anyone in Boston can increase his or her vehicle trips by purchasing a new car and not riding the MBTA anymore. This is clearly a judgment that increases vehicle trips, but the land use remains the same, and the insensitive ITE trip tables remain the same. Same house, same land use ... new vehicle trip.

Furthermore, the MBTA's narrow interpretation is contrary to MEPA's traditional understanding of traffic mitigation. In the past, MEPA has accepted mitigation from private developments if actions are taken to increase transit use and reduce individual vehicle trips. The number of people trips may be the same, but the mitigation action has the effect of reducing the number of vehicle trips. The issue is modal split and the ITE trip generation tables have nothing to say about this.

The MBTA fare increase represents a mirror image to traffic mitigation. The fare increase maintains virtually the same number of people trips, but the number of vehicle trips increases. In this sense, the MBTA fare increase represents "counter-mitigation" because it has the opposite effect of conventional auto trip mitigation.

To me, there is no question that the MBTA fare increase is a project and in particular is a project which increases vehicle trips. The increase in vehicle trips is the sole issue. While the MBTA claims it is not a "trip generator" in the conventional sense, the issue of "trip generator" is irrelevant. The bottom line is increased vehicle-trips and there appears to be no question in this regard.

Others have raised additional policy issues, especially any commitments having to do with the CLF Memorandum of Agreement. Was the MBTA required to produce a new fare policy analysis prior to any new fare increase, as one might conclude from the Final MEPA Certificate on the 1989 faire increase? Does the CLF agreement require that the fare increase be limited to general inflation? These matters present added policy controversies which normally would be expected to stimulate the respect of the MBTA, but apparently that is not the case. Nevertheless, the legal issues with respect to law and regulation carry much more weight and should definitely be foremost in any MEPA determination relative to the fare increase.

== HAVE THE PROPER LEGAL DETERMINATIONS BEEN MADE FOR A WAIVER? ==

As noted above, one alternative to the current process of Do-an-EIR-but-Go-Ahead-With-The-Project-Anyway is to backtrack, withdraw the EIR requirement and grant a waiver. Assuming that the waiver track is followed, have the procedural steps been followed to grant a waiver?

... There has been no publication of the waiver request in the Monitor..... There was no presentation of a written waiver request at the MEPA scoping meeting of May 28..... There was an incomplete discussion of a waiver at the scoping meeting, and indeed the waiver issue was raised by the CLF, not the MBTA.

301 CMR 11.18 (4) states that "Any request for waiver of a categorical inclusion shall be fully discussed at the consultation session." At the May 28 consultation meeting, the discussion of a waiver was hardly "complete" and indeed we had no formal copy of a waiver request.

The key finding for any waiver request must be a determination of "undue hardship", with no significant increase in environmental damage and the prospect of gaining environmental benefits as the result of the waiver. The June 19 MEPA draft concludes that the alternative to a fare increase would be service cuts, which "would cause an undue hardship to the public because service would have to be cut..." Unfortunately, MEPA appears to have bought the argument by the MBTA's Construction Directorate that the only alternative to more fare revenue is to cut service. This narrow rigidity is a classic application of the Kevin White principle of cutting "police and firemen first". Naturally, the encrusted MBTA bureaucracy will not suggest trimming its own ranks in the interest of customer service. I estimate that an efficiency improvement of only 3% would be sufficient to generate income equivalent to the proposed fare increase. The MBTA is notorious for putting their own union and management interests first and stiffing the riding public whenever it comes time for sacrifices. I regret that MEPA has momentarily succumbed to the MBTA service-cut philosophy.

Efforts to seek improvements in efficiency would result in improved service and more ridership. MEPA and the MBTA have failed to consider all the alternatives and thus reach the erroneous conclusion that a fare increase is the best way of avoiding environmental harm.

I also fail to see the benefits from the granting of this waiver. There is nothing to compel the MBTA to run a more efficient and sensitive operation. There is nothing to correct the imbalance between the exalted status of construction activities and the lowly status of operations at the MBTA. MEPA gets nothing more from this agreement than they got from the 1989 fare increase, which allowed the fare increase to go ahead, with an EIR study process to follow. The resulting Fare and Service Policy EIR was so unsatisfactory an additional submission was required by MEPA, and ultimately the Advisory Committee concluded in their comments on the Final EIR that the document was unsatisfactory. This comment to MEPA met with a hostile reaction from the then EOTC Secretary, who called in the four members of the Committee and asked them to change their conclusion, which was done later that day. This strongarming of the process was and is deplorable, and the MEPA message to the MBTA should be firm and should recognize and correct the problems of the previous process. There should be no more business as usual.

======== WHAT ACTION SHOULD EOEA TAKE ON THE FARE INCREASE? =====

The June 19 Draft Certificate makes a clear case for the need of an EIR. I agree. The logic and process for the "waiverless waiver" are flawed and should be deleted from the Final Certificate. The MBTA should be encouraged to seek immediate efficiency improvements and reductions in energy losses as income sources to aid their fiscal situation. The Advisory Committee mechanism to MEPA should be retained and expanded.

======= REQUIREMENTS FOR THE PREPARATION OF A QUALITY EIR =======

The interference of the previous EOTC Secretary in the deliberations of the Citizens Advisory Committee to EOEA was most regrettable and must not be repeated.

The EIR on transit fares and service must involve new and meaningful commitments from the MBTA to investigate improvements to service and efficiency. The Citizens Advisory Committee should be expanded in membership and scope to monitor the progress of the process.

Furthermore, the committee should be renamed the Citizens Advisory Committee on Fares and Performance, to recognize the need for the MBTA to identify ways to improve performance as an alternate or supplement to fare increases. It should build upon pro bono contributions of time and thought from a wide diversity of members and citizens, such as has occurred with the Artery Bridge Design Advisory Committee. The Committee should be viewed as an independent channel for information to the Secretaries of both Environmental Affairs and Transportation. The Committee role would extend beyond document review into the activist area as an initiator and evaluator of various proposals.

I also believe that my October 1990 Green Line trip study represents a beginning blueprint for improved performance evaluation of MBTA service. If the MBTA or any other group or person has any alternatives, these ideas should be placed before the Committee and discussed.

========== SPECIAL ELEMENTS OF THE EIR SCOPE FOR EMPHASIS ======

The EIR should explicitly consider alternatives and impacts for the following :

* Identify inequities in today's fare structure and find ways to implement practical ways to reduce inequities

* Identify those trips which are most open to service and cost competition by auto, and seek fare/service responses

* Estimate and measure where possible the gain or loss of riders from past and proposed fare policies, as well as service and performance changes.

* Improve fare collection, including such issues as theft, neglected fares/evasion, handling dollar bills, transfers, and the awkwardness of existing fare booths.

* Determine fare policies which balance the needs of a cost recovery ratio, the need for Central Artery construction mitigation, and social problems of a recessionary economy.

* Set performance measures and goals, and set up the sampling system to determine attainment of these goals. Independence of data gathering and analysis, at least in part, is vital.

* Identify operational actions to be taken which would lead to attainment of the performance goals, first via test programs and then expanded to include lines or the entire system.

* Open up a Suggestion Box function within the Committee, so that any one -- citizen, management, or worker -- can make open or anonymous suggestions for consideration towards better transit operations.

* Identify more efficient use of energy and personnel throughout the MBTA.

* Carefully review capital projects and the imposition of new debt service costs to annual MBTA budgets.

The Advisory Committee should be expanded to include business representatives, such as the Boston Chamber of Commerce, Citizens for Regional Transportation, the Carmen's Union and citizen advocacy groups interested in transit service.

Sincerely,

Stephen H. Kaiser, PhD
Traffic & Transportation Engineer

cc. Steven Chait, APT
Ann Larner, Advisory Board
Stephanie Pollack, CLF
David Scondras, Boston City Council
Charles Bahne, APT & CCLN

RECEIVED
JUL 10 19
MEPA

Clark Frazier
19 Phillips Street
Boston, MA 02114

July 9, 1991

Susan F. Tierney, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202)

re: EOEA #8684 MBTA 1991 Fare Increase ENF Certificate

Dear Secretary Tierney:

In this letter I propose that the ENF Certificate for the 1991 MBTA fare increase should be modified to clarify the goals that an Environmental Impact Report on existing and proposed MBTA fare structures, fare policy and fare collection technology. In addition the EIR should be expanded to include issues of efficiency, both operational and managerial, as they affect the cost of the MBTA system to the rider and the taxpayer. The proposal that the MBTA must either raise fares or cut service does not entertain a third option that many private companies in Massachusetts have been forced to entertain: staff reductions. The MBTA, by any standard, is top heavy with management and has, according to UMTA Section 15 data, one of the highest supervisory to operating staff ratios of any U.S. transit agency.

The MBTA should look at the efficiency and effectiveness of the existing fare collection technology. An efficient fare collection system will minimize the cost of collecting fares. The EIR should report the percentage of MBTA revenue consumed by fare collection costs. Review of available literature suggests that the MBTA may spend 15 to 20 percent of revenue collecting it. Fare collection effectiveness is the measure of the effects of fare collection on travel time. This measure would include time spent waiting in token lines, time spent in a stopped bus waiting for other riders to pay and extra time needed to reach open station entrances. An efficient fare collection system might not be effective and could possibly reduce ridership. Other fare collection technologies might increase both efficiency and effectiveness.

The MBTA should also examine the fare structure for efficiency, effectiveness and redistributional impacts. An efficient fare structure would be efficient in the economic

sense, matching the fare with the cost of the ride. These costs may not be strictly related to distance but may also relate to the cost of providing the service and recognize the relative indivisibility of a transit vehicle which must, in any case, travel to the end of the route. An effective fare structure would maximize the amount collected from each rider based on a willingness to pay. Unfortunately, transit is more effective in dense urban areas and more time competitive for shorter trips, hence, it does not follow that fares can be strictly based on distance. Redistribution measures the relative contribution of each rider to the cost of the trip versus the income level of the rider. It is likely that any fare structure that is effective will charge more relative to the cost of the service in low income areas than in high income areas where transit may not be as competitive. A crude measure of redistribution is the fare per mile by mode which is likely to show that bus riders pay the most per mile and long distance riders pay the least.

The MBTA should also examine the transfer policy in some detail because the technology and structure of the current fare system leads to very different prices for trips of similar length and geographic characteristics based only on whether both ends of the trip are near a rapid transit stop or a bus stop. The MBTA should examine single barrier systems (the present system), perimeter systems (the Washington, D.C. Metro) and barrier free systems (Commuter Rail and self service systems) and find some workable combination for the MBTA that could improve the fare structure and allow for smaller (and more frequent) fare adjustments. As an interim step, some form of paid or free transfer is needed to remove the perception of unfairness caused by the existing fare structure. In particular, the bus routes serving inner city areas (such as route 43) should sell rapid transit transfers for the price of the rapid transit fare. Although the MBTA should continue to encourage the use of monthly passes, the turnover among riders (from nonusers to users to nonusers) should not be underestimated. A better fare structure and fare collection technology would be likely to increase both ridership and revenue.

The efficiency of MBTA operations should not be excluded from the analysis. The MBTA should compare its management structure with its peer agencies in the United States and elsewhere. The possibility that increases in revenue from fare increases have been passed on as wages should also be examined in light of the long term fiscal viability of the MBTA. The MBTA should look for more economical methods of collecting fares that may exist at other agencies. The operations of the MBTA may have to become more efficient to keep fares within bounds. Operational savings may be possible if maintenance is improved. The number of peak hour rapid transit trains may be in excess of the actual requirement because headways are more irregular than could be achieved. The need for two person operation of rapid transit trains is questionable. Some automation of token and ticket sales might also reduce costs. In the short term the MBTA might improve its performance by redeploying (and retraining) some employees from operating to maintenance jobs.

I hope that these comments are helpful as the Environmental Impact Report is prepared.

Very truly yours,

Clark Frazier

Clark Frazier

CLF

Conservation Law Foundation of New England, Inc.

3 Joy Street
Boston, Massachusetts
02108-1497

(617) 742-2540
Fax: (617) 523-8019

July 10, 1991

Susan F. Tierney
Secretary, Executive Office of
Environmental Affairs
20th Floor
100 Cambridge Street
Boston MA 02202

RECEIVED
JUL 11 1991
MEPA

Re: MBTA 1991 Fare Increase, EOEA No. 8684

Dear Secretary Tierney,

The Conservation Law Foundation has reviewed your draft certificate on the Massachusetts Bay Transportation Authority's proposed fare increase and the additional submissions made by the MBTA since CLF's previous comments on this matter were submitted on May 30, 1991. Our conclusion: the MBTA has provided no legitimate reason for being allowed to increase fares prior to conducting full environmental review as required by the Massachusetts Environmental Policy Act. Based on the record before you, we believe that any attempt by the MBTA to implement a fare increase before completing an Environmental Impact Report would be illegal.

As you know, the MBTA predicts that the proposed fare increase will drive tens of thousands of riders off of the system just when construction is slated to begin on the Central Artery project. This single action would increase regional emissions of air pollutants that cause smog by 0.5% annually, an increase that would have to be offset by requiring Massachusetts' businesses to implement expensive measures to ensure that the Commonwealth complies with the Clean Air Act's requirement to reduce statewide emissions by at least 3%/year. The MBTA is asking your permission to be allowed to generate more vehicle trips than even the largest downtown development projects proposed in recent years. You would never allow a private developer to build first and evaluate the impacts later; the MBTA should be treated no differently.

While the reasons for CLF's conclusions about the illegality of the proposed action are given in the attached comments, our position basically rests on two prongs. First, the MBTA has the time to conduct environmental review before raising fares because it does not immediately need the revenue from the fare increase. Second, the MBTA would be in violation of a half-

dozen legal requirements if it were to raise fares without first conducting full environmental review.

If CLF believed that the MBTA was faced with a Hobson's choice between increasing fares and cutting service, we would be more amenable to crafting an alternative environmental review process to ensure that implementation of a fare increase would not be unduly delayed. Despite its unsupported protestations to the contrary, however, the MBTA is not faced with a $21 million revenue shortfall. There is no legal or statutory barrier to the MBTA carrying out all of the operating and capital programs approved for fiscal year 1992 by its Board of Directors and the MBTA Advisory Board without increasing fares one cent. The MBTA does not need to increase fares to avoid service cuts; it prefers to increase fares rather than, for example, asking the Legislature for reimbursement of $21 million in approved costs. Yet the truth is that the Authority would be legally entitled to such reimbursement and the Legislature would have to provide the funds (in the FY 1993 budget) if the MBTA so requested.

The MBTA has made a political decision that it is better to tax its ridership for the $21 million (an arbitrarily chosen dollar figure, by the way) than to spread these costs among all taxpayers. CLF believes that this is a foolish policy choice which fails to consider other practicable alternatives, such as increasing the T's operating efficiency or charging fees to motorists who commute to work alone. We acknowledge, however, that the MBTA, its Advisory Board and the Secretary of Transportation and Construction are entitled to propose even foolish policies.

As Secretary of Environmental Affairs, however, your obligation is to ensure that all of the environmental implications of the MBTA's policy choice are fully considered before it is implemented by increasing fares. The Massachusetts Environmental Policy Act requires all agencies and authorities to evaluate the environmental impacts of their activities and use all practicable means and measures to minimize environmental damage. The MBTA has dodged this duty each of the last three times it has raised fares. Your legal duty is to prevent the MBTA from ignoring its environmental responsibilities yet again. The proposed Certificate, which would allow the MBTA to proceed with business as usual, does not fulfill your duties under MEPA.

If you allow the MBTA to increase fares on September 1 without first conducting full environmental review, you will be endorsing the Authority's efforts to circumvent a host of legally binding environmental obligations. As explained in the attached comments, it is CLF's position that such a fare increase would violate:

- The statutory requirement contained in the Massachusetts Environmental Policy Act that no agency action requiring

preparation of an Environmental Impact Report proceed until 60 days after the EIR is completed;

- The MBTA's 1981 binding commitment to then-Secretary of Environmental Affairs John Bewick never to increase fares without first conducting a full-fledged environmental and socioeconomic evaluation;

- The MEPA regulations and the consent decree in CLF v. Bewick concerning procedures to be followed when an agency seeks a waiver of MEPA regulations;

- The provisions of Massachusetts' Clean Air Act implementation plan, enforceable through the recent consent decree in CLF v. Weld, requiring an air quality analysis and mitigation plan for MEPA projects generating more than a specified number of vehicle trips;

- The January 2, 1991 Certificate of the Secretary of Environmental Affairs on the EIR for the MBTA's 1989 fare increase, which requires the MBTA to prepare a fare policy before its next round of fare increases; and

- The January 2, 1991 Certificate of the Secretary of Environmental Affairs on the EIR for the Central Artery/Third Harbor Tunnel project, which incorporates as project conditions all of the commitments, including commitments concerning MBTA fares, made by EOTC in a December 19, 1990 Memorandum of Understanding with CLF.

Given this litany of unmet environmental requirements, we believe your obligation is clear: make the MBTA do what is required by law and sound environmental policy. Three times since 1979 the MBTA has used threats of imminent service cuts to bludgeon the Secretary of Environmental Affairs into allowing the Authority to make an end-run around the requirements of the Massachusetts Environmental Policy Act. Now, when it is clear that the MBTA wants but does not need to increase fares, is the time to tell EOTC and the MBTA that they are subject to the same environmental rules as everyone else.

Sincerely,

Stephanie Pollack
Staff Attorney

cc: Donald J. Kidston, MBTA
Janet McCabe, EOEA
James Rooney, MBTA
Charles Steele, EOEA
Richard L. Taylor, EOTC

CLF

Conservation Law Foundation of New England, Inc.

3 Joy Street
Boston, Massachusetts
02108-1497

(617) 742-2540
Fax: (617) 523-8019

COMMENTS OF THE CONSERVATION LAW FOUNDATION ON THE PROPOSED CERTIFICATE OF THE SECRETARY ON THE ENVIRONMENTAL NOTIFICATION FORM FOR THE MBTA 1991 FARE INCREASE (EOEA No. 8684)

July 10, 1991

Having reviewed the entire record in this proceeding to date, the Conservation Law Foundation ("CLF") is forced to conclude that the MBTA has provided no legitimate reason for being allowed to increase fares prior to conducting full environmental review as required by the Massachusetts Environmental Policy Act.[1] The proposed Certificate rests on two key premises, neither of which stands up to scrutiny:

- the proposed fare increase is necessary to avoid significant cuts in service which would have a more adverse environmental and socioeconomic impact than increasing fares; and

- the Secretary need not grant a waiver because the proposed fare increase is not a "categorically included" project.

As explained in these comments, the MBTA has a variety of options other than service cuts which could be implemented in lieu of a fare increase -- alternatives which must be evaluated under MEPA before a final policy decision is made. If such an evaluation is to be postponed, the Secretary will have to formally issue a waiver -- a waiver of the statutory requirement that agency actions not proceed until after an Environmental Impact Report has been completed.

To be legally and factually defensible, the final Certificate to be issued on July 12, 1991 must reject the approach taken in the proposed Certificate and order the

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[1] CLF has heard suggestions that the fare increase is required, at least in part, to fulfill the statutory requirement that the MBTA achieve a "revenue recovery ratio" of 33 1/3%. St. 1989, Ch. 653, § 199. Based on our discussions with the T's budget office, however, we understand that the revenue recovery ratio as defined by that statute would be 35% -- above the statutory requirement -- without any fare increase during the coming year.

preparation of an Environmental Impact Report before any fare increase can be implemented. If the MBTA is to be (illegally) granted permission to postpone completion of an EIR until after fares are raised, the Secretary should at a minimum complete the legally required procedures and make the legally required findings for issuance of a waiver. Such a waiver should include all of the conditions suggested in CLF's May 30, 1991 comments.

I. The MBTA does not automatically have to cut local bus service if a fare increase is delayed long enough for the agency to prepare an Environmental Impact Report.

A. The MBTA is legally entitled to seek legislative reimbursement of any or all of the $21 million if a fare increase is postponed or does not occur.

The MBTA's budget process is unique and complicated and the Authority has done little in its filings to help the Secretary and the public understand what would happen if a fare increase had to be postponed long enough to allow for preparation of an Environmental Impact Report. Indeed, CLF believes that the T has been disingenuous by implying that, absent a fare increase, the Authority will have no alternative but to slash local bus service. The truth is far more complicated. If a fare increase is denied or delayed, the MBTA may well choose to cut service (a decision CLF and others would strenuously oppose). But the Authority also has other policy options available.

Contrary to the statement on page 2 of the proposed Certificate, the MBTA has not "proposed this increase in fares to avoid significant cuts in service." The MBTA has proposed this fare increase to make up for a $21 million cut in its fiscal year 1992 legislative appropriation for debt service. As the MBTA has made clear, the fare increase revenues will not be used for operations but for debt service. It seems odd, therefore, for the Authority to claim that if such fare revenues are absent or lower the cuts will come from the operating budget.

Unlike most other agencies and authorities, the MBTA operates on a reimbursement basis. Each year, the MBTA's Board of Directors prepares an itemized budget and submits that budget to the MBTA Advisory Board. The Advisory Board then has 45 days to either approve the budget or subject it to itemized reductions. By the first Wednesday in December, the approved budget, including a budget for capital programs, must be submitted to the Governor. St. 1980, ch. 581, § 17. Thus, the MBTA is currently operating under a budget for fiscal year 1992 (which began July 1) which was approved as of December, 1991.

Where does the revenue to support this budget come from? Some of it comes from assessments made upon cities and towns in the MBTA district, some from the federal government, some from fares and some from other revenue sources (e.g. parking fees and advertising). The difference between the amount of income received by the MBTA in any given year and the authorized expenses incurred by the Authority is called the "net cost of service." G.L. ch. 161A, § 1. At the end of each calendar year, the Authority notifies the state treasurer as to the amount of the "net cost of service" and, by law, the Commonwealth must pay that amount to the MBTA. G.L. ch. 161A, § 12.

In other words, the MBTA's annual appropriation from the legislature is really a reimbursement which the Legislature has no choice but to provide. Even in the FY1992 budget, with all its painful cuts, the Legislature did not lower the MBTA's reimbursement for net cost of service for calendar year 1990 by one penny; legislators know that they are legally obligated to reimburse the T for all expenditures made pursuant to an approved budget. There is no reason to believe the FY1993 budget will be any different when it comes to providing full reimbursement for the MBTA's calendar year 1991 net cost of service.

The legislative budget also includes a line item for debt service, under which the MBTA is appropriated funds on a current year basis. In other words, debt service costs are generally paid from appropriations made for the fiscal year during which those costs are incurred, rather than being reimbursed in the next fiscal year's budget. It is this line item that was cut by approximately $21 million in the fiscal year 1992 budget slated to be signed by Governor Weld today. Critically, however, the Legislature's decision to provide some funds for debt service before it is otherwise required to do so does not alter the MBTA's authority to spend whatever amount on debt service is authorized by the Advisory Board-approved budget. Indeed, the line item for debt service is generally set at 90% of authorized spending on debt service. The other 10% of debt service costs then becomes part of the "net cost of service" which is reimbursed in the next fiscal year's budget. Indeed, the statutory definition of "net cost of service" includes "expenses for . . . debt service." G.L. ch. 161A, § 1.

What would happen if a fare increase were to be delayed or stopped entirely and the MBTA still wanted to spend the full amount on debt service authorized by its FY1992 budget? The Authority could simply spend the money, include the $21 million not appropriated in the legislative FY1992 budget in its calculation of "net cost of service," and seek reimbursement from in the Commonwealth's fiscal year 1993 budget.

CLF is well aware that the T does not want to have to ask Governor Weld or the legislature for this $21 million (an

arbitrarily chosen dollar figure, by the way) when the time comes to prepare the state's fiscal year 1993 budget. A fare increase -- or service cuts or efficiency improvements -- would obviate the need for such a request. But there is a difference between what the MBTA would like to do and what it can legally do, given that the Massachusetts Environmental Policy Act requires that all authorities "review, evaluate and determine the impact on the natural environment of all works, projects or activities conducted by them and . . . use all practicable means and measures to minimize damage to the environment." G.L. ch. 30, § 61.

The MBTA has a variety of options for responding to its current fiscal situation. Assuming that $21 million is the "magic number," the T can:

- Improve its operating efficiency by approximately 3% to lower its costs by $21 million;
- Raise fares to generate $21 million;
- Cut local bus or other service to lower costs by $21 million; or
- Spend the full amount authorized for both operations and debt service in its Advisory Board-approved FY1992 budget and collect the "shortfall" from the Legislature as part of the net cost of service.

The choice among these options ultimately rests with the MBTA. But because these different options produce very different impacts on the environment, it is a decision that must be made after performing the environmental review mandated by MEPA.

B. Service cuts will not follow immediately if the Secretary requires preparation of an EIR before allowing the MBTA to raise fares.

The MBTA's filings in this matter attempt to paint a picture of widespread and imminent service cuts in the wake of any postponement of a fare increase. In truth, a number of legal requirements must be met before the MBTA would be able to make such service cuts. Compliance with those legal requirements -- including the possible requirement of environmental review under MEPA -- would tend to reduce the impacts of the "worst case" scenario spun out by the MBTA to date.

Federal and state law ensure that the Secretary, CLF and the public will have ample notice and an opportunity to change the MBTA's mind before the Authority can make the threatened service cuts. As a recipient of operating assistance from the Urban Mass

Transportation Administration, the MBTA is required to hold hearings before it can "change any fare [or] substantially change any service" and must give consideration "to the effect on energy conservation, and the economic, environmental, and social impact of the change in such fare or such service." 49 U.S.C. App. § 1604(i). In addition, the MBTA must notify the MBTA Advisory Board of any "substantial change in mass transportation service" at least thirty days prior to making the change. G.L. ch. 161A, § 5(f). When proposing "significant changes in local service," the T must conduct public meetings at the request of 25 affected persons. G.L. ch. 161A, § 5(f 1/2).

Most importantly, CLF believes that MEPA itself ensures that proposed service cuts would be subject to the same environmental scrutiny as proposed fare increases. Service cuts, like fare increases, are "categorically included" and require preparation of an EIR if they would generate more than 3,000 new vehicle trips daily. All of CLF's arguments about why this proposed fare increase is categorically included would apply equally to service cuts of the magnitude threatened by the MBTA. In addition, the MBTA remains bound by its 1981 commitment to prepare an EIR "every time it . . . makes major reductions in service."[2] Finally, even if the Secretary rejects both of these arguments such service cuts could also be reviewed under the "fail-safe" provision of the MEPA regulations. 301 CMR 11.03(6).

Thus, the Secretary need not worry that issuing a Certificate which requires the MBTA to prepare an EIR before raising fares would result in substantial cuts in service without any opportunity for the MEPA office or the public to convince the MBTA to take an alternative course of action.

II. The MBTA should be required to prepare an Environmental Impact Report before implementing the proposed fare increase.

There are at least three separate reasons why the MBTA is legally required to prepare an Environmental Impact Report to assess the proposed fare increase. First, as the proposed Certificate states, the potential environmental impacts of the Authority's proposed action are substantial enough to require preparation of an EIR whether or not the action falls within any of the regulatory "categorical inclusion" categories. Second, as noted in CLF's prior comments in this docket, the MBTA remains bound by its 1981 commitment to prepare an EIR "every time it

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[2] Memorandum from James O'Leary to John Bewick at 2 (July 31, 1981) (regarding EOEA No. 4147, Proposed MBTA Fare Increase).

increases its fares or makes major reductions in service."[3] Finally, as CLF argued in some detail in its prior comments, the proposed action is categorically included in that it will generate more than 3,000 new vehicle trips per day.

Without belaboring this last point, we would like to supplement our prior comments by responding briefly to some of the arguments made by the MBTA in its May 30, 1991 submission. The regulation at issue requires the preparation of an EIR for "any project generating 3000 or more new vehicle trips per day." 301 CMR 11.25(19). The MBTA focuses on two of the words in this phrase: "generating" and "project." First, the T claims that a fare increase is not a "trip generator" because a "trip generator" is, according to the Transportation Research Board, a kind of land use. The regulation, however, never uses the noun "trip generator." Instead, it speaks of "projects" capable of "generating . . . new vehicle trips." Whether or not a fare increase is a "trip generator" is not relevant -- the point is that a fare increase does generate new vehicle trips by diverting trips previously made by public transit into motor vehicles.

Narrowly construed, no project or land use of any kind really "generates" trips. Most, if not all, of the trips would be made somewhere else (e.g. to a different employment site). Instead, developments move the trips around and are therefore considered to be "responsible" for the traffic and air quality of the trips going to and from the development. Similarly, MBTA decisions about fares (and service cuts) change the nature and location of "trips" in a way that adversely affects traffic conditions and air quality.

The MBTA also argues that a "project" within the meaning of 301 CMR 11.25(19) refers only to "agency actions which involve actual construction of a facility or physical structure." This argument is absurd. The phrase "project" is clearly defined in both the MEPA statute and regulations as a "work, project, or activity . . . directly undertaken by an agency." G.L. ch. 30, § 62; 301 CMR 11.02. Contrary to the MBTA's assertion, 301 CMR 11.27 does not make a distinction between "projects" and "agency actions" but states that an "agency action," in addition to those specifically listed in that section, includes any activity that is categorically included under 301 CMR 11.27.

The proposed Certificate states that the issue of categorical inclusion need not be decided because an EIR would still be required based on the potential environmental impacts of the proposed action. While this is technically true, CLF urges

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[3] Memorandum from James O'Leary to John Bewick at 2 (July 31, 1981) (regarding EOEA No. 4147, Proposed MBTA Fare Increase).

the Secretary to resolve the issue in order to clarify the status of future fare increases -- and potential service cuts.

Even if the final Certificate avoids the issue of categorical inclusion it cannot avoid the need to grant the MBTA a waiver. Such a Certificate would simply be waiving a different provision of the regulations -- the prohibition on agency action until 60 days after a final EIR becomes available. 301 CMR 11.10(2). CLF believes that there are both procedural and substantive reasons why the Secretary cannot grant a waiver of this requirement.

A. The Secretary cannot waive the statutory requirement that agency actions await preparation of an EIR.

The MEPA regulations provide that the "Secretary may waive any provision or requirement in these regulations not specifically required by law" when certain findings are made. 301 CMR 11.18(1). Once the Secretary has concluded that an EIR must be prepared, however, the only way to allow the MBTA to proceed with a fare increase is to waive the statutory requirement that "[n]o agency shall undertake a project which . . . may cause damage to the environment . . . until sixty days after the secretary of environmental affairs issues [a] notice [of availability of the final EIR]." G.L. ch. 30, § 62B. This the Secretary cannot do. Having determined that the proposed fare increase may cause damage to the environment and so requires preparation of an EIR, the Secretary is bound MEPA's statutory procedures on the preparation and timing of EIRs.

MEPA specifically provides for "retroactive" EIRs only "if emergency action by a person or agency is essential to avoid or eliminate a threat to public health or safety, or a threat to any natural resources." G.L. ch. 30, § 62E. The existence of this emergency provision reinforces CLF's reading of the statute as otherwise prohibiting the preparation of EIRs after an agency action has been taken. The MBTA has not requested a finding of emergency under 301 CMR 11.11 and CLF does not believe that any emergency exists that would justify invocation of this provision. The Secretary therefore lacks the legal authority to allow the MBTA to act now and write an EIR later.

B. Even if the Secretary has the authority to grant a waiver, proper procedures must first be followed.

In the alternative, CLF believes that the Secretary must deny a waiver at this time because the Secretary has not followed the proper procedures. Waiver requests must be "fully discussed at the consultation session." 301 CMR 11.18(4). Before a waiver can be granted, the Secretary must publish a draft record of

decision and notice, provide a fourteen day comment period and then publish a final record of decision. 301 CMR 11.18(4).

In this proceeding, the MBTA's request for a waiver was not made until after the consultation session. Neither has the Secretary published a proposed Record of Decision. These failures represent violations of both the MEPA regulations and the consent decree entered in CLF v. Bewick, No. 43613 (Mass. Sup. Ct. June 16, 1981). That judgment provides (in paragraphs 3 and 7) that any waiver granted for a project directly undertaken by an agency can be issued only pursuant to a Record of Decision published in the Environmental Monitor.

Instead of following the required waiver procedure, perhaps with the timetable outlined in CLF's initial comments, the Secretary has chosen to create a new document in the form of a "proposed" Certificate on the ENF. While CLF appreciates the reasons behind this procedural innovation, the fact remains that both the regulations and the CLF v. Bewick case require the Secretary to issue a Record of Decision stating the reasons for the waiver and to take public comment on the ROD. Until this procedure has been followed, the Secretary lacks the legal authority to waive any provision of the regulations as part of her decision on the MBTA's fare increase ENF.

C. The Secretary cannot, on the record in this docket, make the waiver findings required by the MEPA regulations.

CLF's previous comments discussed the findings to be made when the Secretary wishes to grant a waiver to a categorically included project. If the proposed action is not found to be categorically included but the Secretary wishes to waive any other provision of the regulations, she must first find that "strict compliance with [the provision to be waived] would result in undue hardship and would not serve to minimize or avoid damage to the environment." 301 CMR 11.18(1).

The proposed Certificate (at page 3) purports to make such a finding on the grounds that (1) an undue hardship would be caused by service cuts in the absence of a fare increase, and (2) with the conditions included in the proposed Certificate, requiring preparation of an EIR prior to the fare increase would not serve to minimize or avoid environmental harm. The record supports neither proposed finding.

As CLF explains at the outset of these comments, the alternative to an immediate fare increase is not necessarily immediate service cuts. The MBTA has talked about what it might have to do in terms of service cuts if a fare increase is proposed. The Authority as not, however, come out and said that

it will impose such service cuts if ordered to prepare an EIR. Nor would the Authority have to take such an action, since it is fully legally authorized to spend the $21 million at issue and seek reimbursement from the legislature the way it always does. Thus, there is simply no basis for finding that any delay in implementation of a fare increase will result in undue hardsnip because it will cause service cuts.

Further, the MEPA regulations provide that "[h]ardship based on delay in compliance by the proponent will normally not be sufficient for invocation of this section." 301 CMR 11.18(1). Any hardship imposed by postponement of a fare increase has, in fact, been caused by delay in compliance by the MBTA. Had the MBTA filed an ENF back in January when the Governor and others first began publicly stating that fares would be raised, CLF would now be commenting on a draft -- or even final -- EIR, rather than a "proposed" Certificate.

Finally, CLF believes that strict compliance with the requirement to prepare an EIR prior to increasing fares -- not a waiver to allow for a retroactive EIR -- is the path that would "minimize or avoid damage to the environment." As explained previously, the MBTA has a number of options for responding to the $21 million "shortfall" and each has different environmental implications. A thorough review of the pros and cons of each must be made <u>before</u> the agency commits to fare increases. The MBTA has never responded directly to CLF's argument that <u>there is no known way to bring riders back to on to a transit system after they have left</u>. As noted in our initial comments, the downtown portion of the MBTA has not recovered its ridership more than a decade after the 1979-1981 service cuts and fare hikes. The only way to minimize or avoid damage to the environment is to study alternatives and implement mitigation measures before increasing fares.

III. <u>Allowing the MBTA to proceed with a fare increase without first conducting environmental review would violate a half-dozen statutory and regulatory requirements</u>.

At various times in recent months, CLF has told both the Secretary and the MBTA that we would prefer to focus on the substantive issues raised by the proposed fare increase and not merely engage in legal argumentation. Given the T's singular uncooperativeness and unwillingness to give meaningful consideration to pre-fare increase mitigation measures and to respond to reasonable suggestions for waiver conditions, we now find it necessary to preserve our right to raise a variety of legal objections should the Secretary allow the fare increase to proceed. 301 CMR 11.20(3). For the record, it is CLF's position

that any action by the MBTA to increase fares without first preparing an EIR would violate:

- The statutory requirement contained in the Massachusetts Environmental Policy Act that no agency action requiring preparation of an Environmental Impact Report proceed until 60 days after the EIR is completed;

- The MBTA's 1981 binding commitment to then-Secretary of Environmental Affairs John Bewick never to increase fares without first conducting a full-fledged environmental and socioeconomic evaluation;

- The MEPA regulations and the consent decree in CLF v. Bewick concerning procedures to be followed when an agency seeks a waiver of MEPA regulations;

- The provisions of Massachusetts' Clean Air Act implementation plan, enforceable through the recent consent decree in CLF v. Weld, requiring an air quality analysis and mitigation plan for MEPA projects generating more than a specified number of vehicle trips;

- The January 2, 1991 Certificate of the Secretary of Environmental Affairs on the EIR for the MBTA's 1989 fare increase, which requires the MBTA to prepare a fare policy before its next round of fare increases; and

- The January 2, 1991 Certificate of the Secretary of Environmental Affairs on the EIR for the Central Artery/Third Harbor Tunnel project, which incorporates as project conditions all of the commitments, including commitments concerning MBTA fares, made by EOTC in a December 19, 1990 Memorandum of Understanding with CLF.

The first three points have been discussed previously. CLF's fourth major objection to the proposed Certificate is that it would violate the indirect source review requirement contained in Massachusetts' State Implementation Plan ("SIP") under the Clean Air Act. That requirement was the subject of litigation in CLF v. Weld, No. 87-0651-WD (D. Mass.). In a January 2, 1991 ruling, Judge Woodlock found that the SIP committed the Commonwealth to evaluate the air quality consequences of certain "indirect sources" of mobile source air pollution through the MEPA process. In a subsequent Partial Consent Decree, entered by the court on March 29, 1991, the Secretary of Environmental Affairs agreed to require an "indirect source review analysis" for specified "projects." The analysis must include both an estimate of total hydrocarbon emissions associated with project-related vehicle trips and a demonstration that the emissions will be less than those from the no-build case in both the short and long-term; if emissions are greater, all reasonable and feasible

hydrocarbon reduction/mitigation measures must be included in the analysis. For purposes of the Consent Decree, the term "project" is defined as it is defined in the MEPA regulations. CLF's prior comments in this docket explained why the proposed fare increase is a "project" generating "new vehicle trips" within the meaning of the MEPA regulations. Based on those same arguments, it is CLF's position that the Secretary is obligated by the consent decree to require the MBTA to perform an indirect source review analysis which meets the requirements of that decree.

CLF further contends that any fare increase at this time would be illegal in that it would violate the January 2, 1991 Certificate of the Secretary of Environmental Affairs on the Final Environmental Impact Report for the MBTA Revenue and Service EIR. That Certificate required the MBTA to file a comprehensive fare plan with the MEPA unit and provided that "the MBTA shall not file any additional ENFs for fare increases until such time as this fare policy document is filed and the Secretary of Environmental Affairs has issued a decision on the document." No such fare plan has been prepared, let alone filed or evaluated by the Secretary. The MBTA therefore lacks the authority to file an ENF for a fare increase and the Secretary lacks the authority to accept the filing of such an ENF.

Finally, CLF contends that the proposed fare increase would be in violation of the January 2, 1991 Certificate of the Secretary of Environmental Affairs on the Final Supplemental Environmental Impact Report for the Central Artery/Third Harbor Tunnel project. That Certificate stated (at page 3) that the project must include a commitment to MBTA "fare policies that make the system an attractive alternative to the automobile." The Certificate also found (at page 17) that a series of transportation and air quality mitigation commitments memorialized in a December 1990 Memorandum of Understanding between EOTC and CLF were "required as 'feasible measures . . . to avoid or minimize' adverse impacts on traffic volumes and air quality." One provision of that MOU (paragraph 5(F)) states that "MBTA fares should be indexed so that they do not rise more rapidly than fuel, toll and other costs of automobile use, or than the rate of inflation, whichever rate of increase is lower." Because the proposed fare increase does not comply with this indexing requirement, it is a violation of both the MOU and the Central Artery MEPA Certificate.

The proposed Certificate would require the MBTA to address the indexing issue as part of the comprehensive fare plan to be included in the post-fare increase EIR. Such a requirement is not sufficient to overcome CLF's objections. CLF's May 30 comments clearly stated that a fare indexing methodology needs to be developed and implemented before fares are increased. The MBTA claims to have evaluated the proposed fare increase in terms of some type of index, although the basis for that index is

not included in the record of this docket. But the T's proposed index does not meet the requirements of the MOU because evaluating the relative costs of the MBTA and automobile travel over a decade-long timeframe is not appropriate. Commuters simply do not make travel cost comparisons that way. While CLF is open to discussion about the appropriate timeframe over which indexing should apply, the appropriate term is well under a decade. Yet the MBTA needs to select such a long timeframe even under its proposed index to accommodate this fare increase. With the proposed fare increase, for example, fares will have risen faster than the MBTA's calculated automobile commuting costs over the last three or four years. The time to resolve this question is before fares are increased. Otherwise, the MBTA will lose riders to automobiles because the MBTA has become to expensive in relationship to automobile commuting.

CLF

Conservation Law Foundation of New England, Inc.

3 Joy Street
Boston, Massachusetts
02108-1497

(617) 742-2540
Fax: (617) 523-8019

July 11, 1991

Susan F. Tierney
Secretary, Executive Office of
Environmental Affairs
20th Floor
100 Cambridge Street
Boston MA 02202

Re: MBTA 1991 Fare Increase, EOEA No. 8684

Dear Secretary Tierney,

Yesterday the Conservation Law Foundation submitted extensive comments on your draft certificate on the Massachusetts Bay Transportation Authority's proposed fare increase. These comments focused primarily on legal issues and asked that the final Certificate require the preparation of an EIR prior to allowing the MBTA to implement a fare increase.

While CLF would not like to see a final Certificate along the lines of the draft Certificate, we do want our views on the specifics of the proposed Certificate to be included in the record. I am therefore submitting these additional comments focusing on changes that should be made in the Certificate if you decide to allow the MBTA to produce a retroactive Environmental Impact Report.

Mitigation

The proposed Certificate states that you are requiring the MBTA to take all feasible steps to minimize the loss of ridership prior to implementation of the fare increase. Such a step is critical. The Impact Minimization Report submitted by the MBTA, however, falls far short of the mitigation plan envisioned by commenters, the 1989 MBTA Service and Revenue EIR and the draft Certificate.

The report considers three categories of measures: (1) minor changes to the original fare proposal, (2) improved access to purchasing tokens and passes, and (3) scheduled capital and service improvements. While changes to the fare proposal could, of course, help to reduce ridership loss, CLF does not believe that those selected are likely to significantly reduce projected losses and the MBTA presents no data that would permit an evaluation of their efficacy. Improved access to tokens and passes is important and may help lure a few more riders on to the

system, but -- again -- without more data CLF is not convinced that the proposed measures will have much impact on ridership losses induced by the fare increases. Finally, service improvements which have already been planned to occur with or without the fare increase simply cannot be considered mitigation.

The mitigation "sketch" provided by the MBTA does not meet the objectives of the draft Certificate (as stated on page 5). No real attempt is made to "identify those areas where ridership loss is expected under each of the two fare structure options." The Report, as submitted, will not allow you or the public to "reach a judgment as to which of the alternative fare structures is preferable from an environmental standpoint." The final Certificate should therefore require the MBTA to prepare an entirely new mitigation plan which should, at a minimum:

- o disaggregate projected ridership losses by mode and ridership groups (e.g. elderly, passholders) to identify areas where mitigation would be most effective;

- o present possible mitigation measures (including all measures suggested by commenters to date) and discuss the pros and cons of implementing such measures;

- o commit to a series of specific mitigation measures, including identification of who is responsible for implementation, what would be done, implementation schedules and deadlines and estimates of how the measure would stem ridership loss; and

- o include a list of "contingency" mitigation measures to be implemented in the event that ridership losses systemwide or on individual elements of the system exceed stated thresholds.

The final Certificate should require the new mitigation plan to be submitted to the Secretary by a specified deadline. Availability of the plan should be noticed in the Monitor and you should accept public comment for at least 14 days after the notice appears. The process should be timed to ensure that the Secretary's written determination on the adequacy of the mitigation plan is made at least 30 days before the fare increase is implemented, in order to give the MBTA time to implement at least some of the mitigation measures in advance of the fare hike. The final Certificate should therefore provide that no fare hike is permitted until 30 days after you have made a written determination of the adequacy of the mitigation plan. The Certificate should also clearly require the MBTA to implement all mitigation measures identified in the plan by the deadlines specified in the plan.

Passenger Counts

While the passenger count methodology proposed by the MBTA seems reasonable, CLF takes issue with the Authority's July 9,

1991 letter asserting that data collection, processing and analysis will take at least 6-7 months. Contrary to the MBTA's assertion, we believe it is reasonable to require the MBTA to work on the draft EIR and on the ridership analysis at the same time, especially since the MBTA can do a lot of work on the other sections of the draft EIR during the months before the ridership counts take place. CLF believes the schedule included in the draft Certificate is reasonable and should not be lengthened.

Fare Policy

As stated in yesterday's comments, CLF believes that the issue of long-term fare policy should have been resolved prior to the filing on this ENF. If, however, the issue is to be postponed until completion of a post-increase EIR, that document should certainly include the type of comprehensive fare policy described in the draft Certificate. Further, the Certificate should require that the fare policy be submitted to the Department of Environmental Protection as a revision to the Commonwealth's Clean Air Act State Implementation Plan ("SIP"). This would be consistent with Secretary Taylor's June 12, 1991 letter to DEP Commissioner Greenbaum (on technical support materials for the MPO's currently proposed SIP revisions) which states that after MEPA review and approval by the MBTA Board of Directors and Advisory Board "the MBTA Fare Increase policy will be proposed as a future SIP amendment."

With respect to the scope of a fare policy as described in the draft Certificate, CLF must re-iterate its position that the issue of indexing fare increases to the cost of automobile use be resolved prior to implementation of this fare increase.

Finally, CLF disagrees with the statement in the draft Certificate (on page 9) that the existence of a fare policy will make it unnecessary to prepare EIRs for future fare increases. Such a policy may make it possible to re-examine the appropriate threshold for MEPA review, because smaller increases (e.g. those generating ridership losses of several thousand trips per day) would be adequately mitigated without further review. CLF believes, however, that the MEPA process will remain an important way to ensure that all of the environmental and socioeconomic implications of major fare increases are considered and urges the Secretary to delete the statement implying that future fare increases could all be made without preparation of a project-specific EIR.

Revenue and Service Advisory Committee

CLF agrees that the RSAC should continue to function but suggests that the membership of the Committee be expanded to include other parties who have interests and expertise related to the fare increase and funding of the MBTA. Additional members could either be named in the final Certificate or the Secretary could specify a process by which members can be added.

Future Adjustments to Fare Structure

While CLF remains firmly opposed to a retroactive EIR, we certainly feel that if the MBTA is to be permitted to proceed with the fare increase the Authority must be required to rollback fares if no adequate EIR has been submitted within 15 months of the date of the final Certificate.

CLF also supports the proposed requirement that the MBTA adjust its fare structure if ridership losses exceed specified thresholds. The Certificate must, however, clearly state that this obligation is triggered if total ridership loss exceeds 5% as of one year after the fare increase -- regardless of the alleged "cause" of the loss. We are aware of no accepted methodology for deciding what percentage of the loss might have occurred even without the fare increase due to changes in the economy, employment, etc. The MBTA should not be permitted to massage the ridership loss data to "prove" that the loss "due to" the fare increase is somehow less than 5%. If the system loses 5% of its riders in any one year, for any combination of reasons, that is bad for the T and bad for the environment and something must be done. We therefore ask that any final Certificate incorporating this type of requirement clearly state that the MBTA's obligations are triggered if there are 5% fewer riders on the system one year after the fare increase, irrespective of the suspected reasons for such ridership loss.

CLF also recommends that the language of the draft Certificate on this matter be tightened in two other respects. First, the trigger for fare structure adjustments should be a systemwide ridership loss of 5% or a 10% loss on any individual mode. These are the thresholds identified in the Service and Revenue EIR (at page 3-8). Second, the language in the draft Certificate gives the MBTA 90 days to propose corrective measures but says nothing about implementing them. The final Certificate must clearly state that the measures identified be implemented. A reasonable time schedule would give the MBTA 90 days to develop measures, allow 30 days for public review and require implementation within 180 days after the triggering determination is made.

* * * * *

Thank you for your consideration of these comments.

Sincerely,

Stephanie Pollack

Stephanie Pollack
Staff Attorney

cc: Donald J. Kidston, MBTA
Janet McCabe, EOEA
James Rooney, MBTA
Charles Steele, EOEA
Richard L. Taylor, EOTC

CLF Conservation Law Foundation of New England, Inc.

3 Joy Street
Boston, Massachusetts
02108-1497

(617) 742-2540
Fax: (617) 523-8019

July 11, 1991

Richard L. Taylor
Secretary, Executive Office of
Transportation and Construction
Room 3510
10 Park Plaza
Boston MA 02116

Re: MEPA Review of Proposed MBTA Fare Increase

Dear Secretary Taylor,

The Conservation Law Foundation has carefully reviewed the MBTA's proposal to increase fares and the Secretary of Environmental Affairs' draft decision to allow the T to hike fares and only later prepare an Environmental Impact Report. Our conclusion, explained in the attached comments, is that the MBTA has no legitimate reason for increasing fares prior to conducting full environmental review under the Massachusetts Environmental Policy Act. We therefore believe that it would be illegal for the MBTA to implement a fare increase before completing an EIR.

If CLF believed that the MBTA was faced with a Hobson's choice between increasing fares and cutting service, we would be more amenable to crafting an alternative environmental review process to ensure that implementation of a fare increase would not be unduly delayed. Despite unsupported protestations to the contrary, however, the MBTA is not faced with a $21 million revenue shortfall during the current fiscal year. There is no legal or statutory barrier to the MBTA carrying out all of the operating and capital programs approved for fiscal year 1992 by its Board of Directors and the MBTA Advisory Board without increasing fares one cent. The MBTA wants, but does not need, to increase fares.

Indeed, the MBTA has been somewhat disingenuous in its dealings with both the Secretary of Environmental Affairs and the public by implying that, absent a fare increase, the Authority will be forced to slash local bus service. The truth, as you know, is far more complicated. If a fare increase is denied or delayed, the MBTA may well choose to cut service (a decision CLF and others would strenuously oppose). But the Authority also has the option of implementing all of the operating and capital programs contained in the budget approved by the MBTA Board of

Directors and Advisory Board. The $21 million in debt service costs not provided by FY1992 appropriations would then become part of the "net cost of service" for which the MBTA is entitled to seek reimbursement from the Legislature in the FY1993 budget. (Even in the FY1992 budget, with all its cuts, the Legislature did not lower the MBTA's reimbursement for net cost of service by one penny; legislators know they are legally obligated to reimburse the T for all expenditures made pursuant to an approved budget.) In other words, the decision to cut $21 million out of FY1992 debt service simply shifts the Legislature's reimbursement obligation into the FY1993 budget.

For this $21 million "budget cut" to be anything more than blue smoke and mirrors, then, the MBTA must either choose not to spend money it is authorized to spend or choose not to seek state funding to which it is legally entitled. Those choices are yours (along with the Board of Directors and potentially the Advisory Board's) to make -- assuming, of course, you have followed proper environmental review procedures. But to be honest, you must tell Secretary Tierney and the public that you have made a policy decision either to raise fares or cut service, rather than taking the politically unpopular route of seeking legislative reimbursement (or a new source of dedicated funding).

Because the fare increase is a matter of policy choice and not imminent fiscal distress, CLF does not believe that the Secretary of Environmental Affairs has the legal authority to waive the statutory requirement that agencies conduct a <u>prior</u> evaluation of the environmental impacts of their activities. The MBTA has dodged this duty each of the last three times it has raised fares and CLF cannot abide allowing the T to ignore its environmental responsibilities yet again.

In our initial comments on the Environmental Notification Form, CLF indicated that it might be amenable to a post-fare increase environmental review if certain stringent conditions were met. At the consultative meeting, CLF stressed that we would rather spend our time focussing on the substantive issues that need to be addressed before raising fares than engaging in legal argumentation. Much to our disappointment, the MBTA has avoided engaging in substantive discussions and focussed its written submissions on legal arguments. The T has not responded to the proposed waiver conditions presented in CLF's initial comments nor indicated what steps it would be willing to take as a condition of being granted a waiver. Nor is any serious attempt being made to plan and implement measures designed to stem projected ridership losses. The "Fare Increase Impact Minimization Report," prepared last week in response to the proposed MEPA Certificate, contains little more than a laundry list of actions the MBTA was already planning to take.

CLF had hoped that the MEPA process could serve as a forum for debating and reshaping the proposed fare increase, but to date no substantive progress has been made. Accordingly, our

additional MEPA comments focus on the legal infirmities of the proposed action. As detailed in the attached comments, it is CLF's position that such a fare increase would violate:

- The statutory requirement contained in the Massachusetts Environmental Policy Act that no agency action requiring preparation of an Environmental Impact Report proceed until 60 days after the EIR is completed;

- The MBTA's 1981 binding commitment to then-Secretary of Environmental Affairs John Bewick never to increase fares without first conducting a full-fledged environmental and socioeconomic evaluation;

- The MEPA regulations and the consent decree in CLF v. Bewick concerning procedures to be followed when an agency seeks a waiver of MEPA regulations;

- The provisions of Massachusetts' Clean Air Act implementation plan, enforceable through the recent consent decree in CLF v. Weld, requiring an air quality analysis and mitigation plan for MEPA projects generating more than a specified number of vehicle trips;

- The January 2, 1991 Certificate of the Secretary of Environmental Affairs on the EIR for the MBTA's 1989 fare increase, which requires the MBTA to prepare a fare policy before its next round of fare increases; and

- The January 2, 1991 Certificate of the Secretary of Environmental Affairs on the EIR for the Central Artery/Third Harbor Tunnel project, which incorporates as project conditions all of the commitments, including commitments concerning MBTA fares, made by EOTC in a December 19, 1990 Memorandum of Understanding with CLF.

It is not too late for the MBTA to stop using threats of imminent service cuts to bludgeon the Secretary of Environmental Affairs and to halt its efforts to make an end-run around these environmental review requirements. We ask you to support a postponement of the fare increase until after the T has fulfilled all of its legal obligations.

Sincerely,

Stephanie Pollack
Staff Attorney

cc: Donald J. Kidston, MBTA
Janet McCabe, EOEA
James Rooney, MBTA
Charles Steele, EOEA
Susan Tierney, EOEA

June 23, 1991

Comments on proposed certificate to approve ENF for MBTA
Project # EOEA 8684:

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Dear Secretary Tierney:

I request that the MBTA withdraw its roundtrip only fare collection policy on its commuter trains, including the Framingham and Lowell lines and any others involved in such a fare collection policy, before the ENF for the impending fare raise is approved.

One way passengers are now submitted, since summer of 1990 in an "experiment", to a 100% fare raise unjustly.

Please see all appended materials and include them with this, my comment to the ENF certificate.

Sincerely yours,

Ann Johnson
107 West Central Street
Natick MA 01760 508 655 1199

May 15, 1991 June 22, 1991:
resubmitted as requiring resolution before certificate c
environmental notification form is approved.

RE: MEPA #8684 (MBTA fare increases) Comments: for requir
Environmental Revi

I am concerned with MBTA fare increases, planned and also those already hidden in the system that have not received the proper reviews.

I believe that the increases involved in project #8684 certainly cannot be allowed to take place without a proper settlement of the following fare increase built into and hidden in the present method of fare collections ("experimental") used on the Framingham and Lowell commuter trains, and planned to extend to <u>all</u> the commuter trains:

> A considerable number of train riders have, since spring and summer of 1990, been subjected to a 100% fare increase by being forced to pay double fare, whether returning by that train, or by any train at all. This presently occurs on the Framingham and Lowell trains. To be submitted to a fare raise on top of that is unthinkable and unbearable.

If the "T" wants to cut down on conductors and encourage off-train fare collections, there are other ways to do that. Many would gladly buy all tickets in the Back Bay and North/South Stations, even starting immediately.

The "T" has left no option for the one way rider, and the multitudes of those who believe in public transportation for various and irregular, but frequent errands, appointments, and visits.

The use of that system on the Riverside subway is unfortunate and questionable, but has gone on for approximately 12 years. The system certainly does not work where the fares are already considerable, as on the commuter trains; the loss to the one way traveler is considerable.

The "T" is concerned with making up the difference if certain passengers go free (in the direction the fare is not collected); the loss from freeloaders is certainly made up -- by those who pay double and take a personal loss. Many who are affected are those who cannot bear this loss: senior citizens, students, those who do not speak English and do not even understand what the inflated fare means (roundtrip fare is renamed "full" fare), mothers with children, etc.

The "T" is blocking access and discouraging casual, frequent inter and intra city/town use of public transportation which cuts down on the use of the car, and increases the "T"'s income taken from fares.--this increase in fare income taken in a sound way, from increased use of the public transportation, rather than at the expense of a considerable number of users, unjustly.

The use of roundtrip fare collections to speed traffic at tunnels or bridges is not relevent. See supporting materials. I have filed fail-safe request; this trial of roundtrip-only fare collections on trains run by the "T" must be stopped <u>immediately</u>; there are other <u>immediate</u> solutions such as one ways purchased in Boston stations.

Andy Hamilton of Conservation Law Foundation has been notifed of this

Sincerely yours, Ann Johnson 107 West Central St./Natick MA 0176(

April 18, 1991

James Rooney, General Manager MBTA

Dear Mr. Rooney:

I am forwarding to you a copy of an original petition that I took this past Tuesday on the short one way ride from Natick to Back Bay on the Framingham Commuter Train. People in general are very upset over the roundtrip only policy; One woman was going from Framingham to Boston, changing to the Lincoln route - she was irrate. Two others were travelling with kids to be met in Boston. We can not afford this policy. (For your information, I was on the noon train)

I have thought of a simple solution to your wanting to cut down on conductors: sell one way tickets only, and only off the train (before boarding). Certainly two conductors, one at each boarding door, can accept a prepaid ticket - and those wishing to go round trip can prepurchase two tickets. Tickets can be sold like postage stamps, at a centralized place as at Back Bay, North Station, and South Station. You may want a few self-operated vending machines, as with stamps and newspapers.

The above would make us all happy and is the only fair way. Please try to help us. Metropolitan Area train travel exists for many reasons, not only for a regular rush hour round trip commute. You would also be helping yourself, as your "not regular" but "frequent" users of trains, of public transit, would be encouraged to use it often. I truly cannot afford to pay five dollars from Natick for my one way; the zone 4 fare is $2.50. People at both ends of the line are unhappy. This experimental policy is in effect on the Lowell and Framingham lines. Instead of increasing the use of the policy, please consider another solution, as the one I have outlined above.

Enclosed is the petition mentioned of your very much needed non-commute but frequent customers. Please help. Mr. Duvall seems to be inflexible.

Sincerely yours,

Ann Johnson
107 West Central Street
Natick, MA 01760

phone: 508 655 1199

MEMO ROUTING SLIP

			ACTION
1	To: Ann Johnson	INITIALS	CIRCULATE
		DATE	FILE
2		INITIALS	INFORMATION
		DATE	NOTE AND RETURN
3		INITIALS	PER CONVERSATION
		DATE	SEE ME
4		INITIALS	SIGNATURE
		DATE	APPROVAL
5		INITIALS	REPLY
		DATE	SUSPENSE
6		INITIALS	COMMENT
		DATE	

Remarks

Dear Ms. Johnson:

Per our discussion on Friday, May 31st, enclosed please find the letter we mailed to you dated April 19th concerning the one-way fare collection program on the Framingham Line.

If you have any questions, please call me at 722-3441. Thank you.

JF/ac
att.

☐ SEE REVERSE SIDE

Jack Flaherty ac

From: Jack Flaherty
Chief Transportation Officer
Railroad Operations

DATE: 6-7-91

PHONE: 722-3441

Form No. GMR-1

BAY
TRANSPORTATION
AUTHORITY

[illegible] Boston MA [illegible]

April 19, 1991

Ms. Ann Johnson
107 West Central Street
Natick, MA 01760

Dear Ms. Johnson:

Thank you for your letter concerning the one-way fare collection program on the Framingham Line.

One of our objectives is to reduce and ultimately eliminate on-train fare collection. This first phase pilot program is patterned after a similar fare collection system which has been in effect on the Lowell Line since April, 1990. Through a reduction in overtime costs, this program allows us to reduce expenditures without decreasing service levels with no reduction in railroad personnel. We estimate the program will save $100,000 annually in operating costs for both lines and, if expanded throughout the Commuter Rail system, estimated annual savings could exceed $1,000,000.

We realize that due to particular travel arrangements, this fare collection method may not always work for some of our customers. However, after extensive consideration, we have concluded that we cannot reimburse our customers who only ride in one direction. We also wish to call your attention to our convenient monthly pass program which can result in substantial commuting fee savings.

We apologize for any inconvenience caused you by this program. We feel strongly, however, that during this difficult economy it is increasingly important for us to find solutions to allow us to reduce operating expense while preserving current levels of service.

Sincerely,

James E. Rooney
Acting General Manager

charles bahne, jr.
224 concord avenue
cambridge, massachusetts
02138

617/354-0539

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MEPA

July 11, 1991

Mr. Donald J. Kidston, Project Manager/Development
Construction Directorate
Massachusetts Bay Transportation Authority
10 Park Plaza
Boston, Massachusetts 02116

Re: Environmental Impact Review, MBTA 1991 Fare Increase
EOEA # 8684

Dear Mr. Kidston,

As of today, I have not received a copy of the Impact Minimization Report or the Ridership Estimation Procedures, which you filed with the MEPA Office on July 3, 1991. This is in spite of the fact that my name appears on the "cc:" list at the bottom of your cover letter to Janet McCabe, dated July 3.

The deadline for comments on these documents was yesterday, July 10.

After asking other individuals whether they had received these documents, I did obtain a copy of them, and the cover letter, through other means, late in the afternoon of July 9 -- the day before comments were due.

The draft Certificate on the ENF, dated June 19, specifically stated that "This Impact Minimization Report will enable the public, and myself [Secretary Tierney] as well, to reach a judgment as to which of the alternative fare structures is preferable from an environmental standpoint...." [Emphasis added.] It is apparent from this language that the Report was intended for timely circulation to all commentors, to allow comment before the deadline.

This is the second time in slightly over a year that the MBTA has failed to distribute environmental review documents, relating to a fare increase, to all of the persons who were listed as commentors.

I view this as an extremely serious omission on the part of the MBTA, which violates the spirit (if not the letter) of the MEPA regulations, and which makes a mockery of the entire environmental review process.

I have notified Janet McCabe at the MEPA Unit of this omission, and I trust that such a lapse will not occur again.

(By the way, I did receive a copy of your letter to Janet McCabe dated July 9, 1991, concerning the timing of submissions and other items, so you do have my correct name and address in your files.)

Thank you for your attention to this matter,

Sincerely yours,

cc: Janet McCabe, MEPA Unit

charles bahne, jr.
224 concord avenue
cambridge, massachusetts
02138

617/354-0539

RECEIVED
JUL 11 1991
MEPA

July 11, 1991

Secretary Susan F. Tierney
Executive Office of Environmental Affairs
100 Cambridge Street, 20th floor
Boston, Massachusetts 02202

Attn.: Ms. Janet McCabe, MEPA Unit

Re: EOEA # 8684, MBTA 1991 Fare Increase
— Draft Certificate on Environmental Notification Form
— Impact Minimization Report

Dear Secretary Tierney,

The documents submitted to date — both by the MBTA and by EOEA — represent a significant improvement over those submitted for the previous fare increase (EOEA # 7551, MBTA 1989 Fare Increase), and both agencies are to be congratulated for their efforts. So far, the present review process has been a refreshing contrast to the earlier one.

There are, however, still some issues which require attention. Most of these are minor, but a few are significant. One important issue, which I especially wish to emphasize, is the proponent's timely distribution of all environmental review documents to all commentors.

In the text which follows, I have organized my comments into four areas:
-- General Comments;
-- "Option A" vs. "Option B";
-- Mitigating Measures and the Impact Minimization Report; and
-- The Environmental Review Process.

General Comments

There are many problems inherent in any retroactive environmental review. The normal order of doing things is to study first, and then allow the action to be done. When this order is reversed, there can be a tendency to view the study somewhat less seriously, and to sign off on it just to get it over with. This was a major problem with the 1989 fare increase EIR.

I am pleased that, as indicated in the draft ENF certificate, EOEA is taking a stronger position than it did in 1989. I am also pleased with the quality of information provided so far by the MBTA, and by the T's willingness to address some subjects which it avoided in the 1989 fare increase EIR.

I believe that all parties -- excepting the proponents -- would prefer to have a full EIR submitted and approved before the fare increase could take effect. For practical reasons, this is not feasible; under the present circumstances it would mean severe service cuts, causing more environmental damage than the proposed fare increase.

As this environmental review process plays out over the next 15 months, I hope that all parties -- EOEA, the MBTA, the Advisory Committee, and the other commentors -- will continue in the same, productive spirit that they have demonstrated to date.

"Option A" vs. "Option B"

Rapid Transit Fare: As they are now proposed, I prefer Option A ($0.90 base fare) to Option B ($1.00 base fare). The deep discount of Option B has some merits and may be worth trying, as an experiment, in the future. But, combined with the size of this fare increase, the higher base price needed to implement the deep discount would require a 33% increase in base fare. There is a significant psychological factor in an increase of this magnitude, as well as psychological factors associated with the $1.00 threshold. I believe that these psycholcgical factors would deter ridership, more than the deep discount would encourage it.

Another argument against Option B at this time is that there are many Green Line stops where tokens are not currently available. Before a deep discount program is tested, there needs to be some mechanism -- such as token vending machines -- which would make this discount available at major Green Line surface stops.

Finally, in spite of the larger discount under Option B, Option A still offers a cheaper price per ride for quantity purchases. (Option A is 11 rides for $9.00, or $0.818 each; Option B is 6 rides for $5.00, or $0.833 each.)

The deep discount of Option B ought to be reconsidered at a future time, when it can accompany a fare increase of smaller magnitude.

Riverside Line: As I have indicated previously, the Riverside Line fare should be an integral multiple of the token price. Therefore, Option A should be changed to make the Riverside Line fares $0.90 and $1.80, instead of $1.00 and $2.00. The argument is that the higher fare is a penalty for cash patrons, imposed only where tokens and change are not available, and therefore a deterrent to ridership as well as possible source of confusion.

Zone bus fares: Overall, I support the proposed zone rationalization scheme. One minor drawback is that it will reduce fares in some distant suburbs, meaning a greater subsidy for suburban users (compared to inner city riders). However, this drawback is outweighed by the plan's advantages.

The new plan will be much simpler and easier to understand. A similar simplification for pass users was adopted in 1989, with the Combo pass being valid for up to $1.25 on buses; this plan will essentially extend this policy to cash fare users.

For the record, the present proposal will actually reduce cash fares for some bus users. In general, most current two-zone, $0.75 fares will drop to the $0.60 base fare; while most current three-zone, $1.00 fares will remain the same. A few trips that are now four-zone and five-zone ($1.25 and $1.50)

fares will drop to $1.00.

Similarly, all of East Lynn and most of Swampscott will be put in Express Bus Zone II instead of Zone III, so that the fare to Haymarket from these communities will increase only from $1.90 to $2.00.

The following trips -- generally route variations or through-route service -- were omitted from the table provided by the MBTA. The T should make sure that new tariffs, including appropriate zone boundaries, are established for these trips:

-- Routes 53, 54, 56, and 58 through service with route 304.
-- Route 238 through service with route 240.
-- Route 426 service to Oaklandvale.
-- Routes 436, 439, and 458 through service to Haymarket.

Senior Citizen Fare: The substantial opposition to the earlier ($0.25) proposal arose because this fare has not been increased in at least 20 years. In order to avoid similar problems in the future, the fare should be increased in smaller increments, more frequently -- perhaps at every fare increase, or every other fare increase.

Mitigating Measures and the Impact Minimization Report

Senior Citizen/Disability Monthly Pass: The MBTA should reconsider such a pass as a future option. One of the recurring comments about the senior citizen/disability fare increase was the significantly higher cost of trips requiring multiple transfers. Full fare users can purchase passes which, in effect, give free transfers, and which therefore put some limit on the impact of a fare increase. A similar option should be made available for seniors and persons with disabilities.

Commuter rail fares: The MBTA indicates that "A full review of commuter rail fare collection by an outside consultant has been underway and will be completed before the end of the year." This study should be incorporated into the current review process, to give EOEA and the public an opportunity to comment on its recommendations. The timetable appears to allow the study to be included, perhaps as an appendix, in the draft EIR.

Marketing and information: The existing 10-ride tickets for express buses and the Riverside Line are poorly marketed. Most users don't know they exist; and, as an informed transit advocate (and the author of a 160-page guide to using transit), I have never seen anything from the MBTA that tells where they can be purchased. These tickets should be targeted for an intensive marketing campaign, and information about them should be printed on all relevant materials (pocket maps, timetables, etc.).

Token/change machines: The MBTA indicates that machines have been successfully installed at three stations, that they will be put in four additional stations by the end of 1991, and that "this program will continue to be expanded in 1992 to include additional surface stops on the Green Line and major bus terminals." This latter statement is too vague; the MBTA should make a commitment to the installation of a specific number of machines at a specific number of stations. If this commitment cannot be made before the fare increase is implemented, then it should be included in the draft EIR.

Fare evasion: Additional attention is needed to fare evasion, including the use of exit doors to gain free access to "paid" areas of rapid transit stations (such as State and North Station).

I am pleased to see the mention of a warrant system to insure that the proper fare is paid on zone fare buses.

Additional mitigation measures: The MBTA indicates it "is prepared to consider further mitigation measures" including a 10-ride ticket for local buses, retail sales of tokens, and further expansion of pass/ticket outlets and token vending machines.

Besides the "mitigation" effect these measures would have on ridership, they would also have significant benefits for the MBTA. These include reduced fare collection expense, increased operating efficiency, reduced fare evasion, and improved cash flow resulting from fares paid in advance.

In short, the MBTA ought to undertake these measures, whether or not the present fare increase results in ridership losses.

In particular, the T should aggressively pursue arrangements with one or more major retail chains, to make tokens, tickets, and passes (as well as MBTA information) available at all of their Boston-area stores. For example, New York City subway tokens are now sold at McDonald's restaurants.

The draft EIR should include a plan to implement all of these measures, and they should be in place before the next fare increase is effective.

Service improvements and service levels: Recent newspaper articles have raised the possibility of service cuts during the coming year, even if the proposed fare increase is implemented. These cuts appear to be contrary to the "service improvements" described in the Impact Minimization Report. If possible, there should be a way to review any service cuts, in advance, as part of the EIR process.

I am pleased to see the mention of an experimental program in which Orange Line trains will hold for time, if necessary, at designated stations. A further, long-term improvement in this direction (dare I dream?) would be to establish designated transfer times/places for intersecting bus routes, and to hold buses at subway stations when trains are late.

Performance monitoring: The Impact Minimization Report outlines a wide variety of mitigating measures which the MBTA promises to take. The draft EIR should document the Authority's actual performance in meeting these promises. Examples of documentation include a list of stations and stops with token vending and/or change machines, a list of ticket and pass sales outlets, monitoring of service performance levels, and so on.

The Environmental Review Process

Distribution of Environmental Review Documents: The MBTA's cover letter for its Impact Minimization Report, dated July 3, 1991, included my name at the bottom among the "cc:" list. However, as of the expiration of the comment period on July 10, I had not received the Report from the MBTA. (My comments are based on a copy given to me by another commentor on July 9.)

I have spoken to only one other commentor, who received a hand-delivered copy of Report on July 8; so I don't know who got copies and who didn't. But my guess is that some other persons also did not receive the report.

This is the second time in approximately one year that the MBTA has failed to distribute EIR materials, concerning a fare increase EIR, to all of the persons who were listed as commentors.

I view this as a serious omission on the part of the MBTA, violating the spirit (if not the letter) of the MEPA regulations.

Both the MBTA and EOEA must pay careful attention to ensure that all materials are distributed, on a timely basis, to all commentors, throughout the duration of this environmental review. There should be appropriate penalties for failure to comply.

Revenue and Service Advisory Committee: The membership of this committee should be expanded to be more representative of transit users. For a "Citizens" Advisory Committee, it presently has too few "citizens" and too many representatives of government agencies.

Alternatives to increasing fares: The draft certificate says that "the EIR should make a recommendation as to which alternative, or combination of alternatives (no matter under whose control) should be pursued." I suggest that this requirement should be made stronger, and that the EIR should include an outline of how the recommended alternatives can be implemented. For example, if enabling legislation is required, then draft legislation should be attached to the EIR as an appendix.

Thank you for the opportunity to comment on these documents,

Sincerely yours,

Charles Bahne, Jr.

DOCUMENT

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279 Belmont Street
Belmont, MA 02178

Tel. 617 . 489 . 5040 FAX 617 . 489 . 5810

EX. OFFICE OF ENVIRONMENTAL AFFAIRS

TO: MS. JANET McCABE - MEPA UNIT

FROM: JOHN DEACON — SIERRA CLUB (484-9580)

DATE: 7/11/91

NUMBER OF PAGES: 5 (INCLUDING COVER SHEET)

NOTES: FAX # 727-2754

DO NOT REMOVE

SIERRA CLUB
Greater Boston Group
3 Joy Street
Boston, MA 02108

July 11, 1991

Comments on the Certificate of the Secretary of Environmental Affairs on the ENF for the proposed MBTA 1991 Fare Increase, EOEA #8684

Fare Evasion

As part of the proposed Impact Minimization Report, the MBTA must take a much closer look at the issue of fare evasion on the entire system.

I have attached an article from the International Railway Journal showing estimates of fare estimates from other railway and transit agencies. All are higher than the estimate given by the MBTA. Information must be gathered from other large American transit systems and used as a comparison to the MBTA's estimate.

Revenue losses due to lax or non existent enforcement of fare collection policies must be quantified, and measures taken to reduce such losses, rather than simply passing them along to the majority of people who do pay their fares in the form of a fare increase.

Service Standards

There is no mention in the proposed certificate of service standards, yet the quality of service provided is an important determinant in the decision to use public transportation instead of the automobile.

I recently had the occasion to use both the Lynn division of the MBTA and the Merrimac Valley Regional Transit Authority. What a difference!

The MVRTA had a staffed, secure indoor transfer station in Haverhill with information on all routes available. The MBTA had nothing comparable in Lynn although they seem to be in the process of building some type of transfer facility. Will it be a secure, staffed indoor facility with information not only on bus routes but also on Commuter Rail, remains to be seen.

MVRTA buses were also cleaner and more comfortable than their MBTA counterparts, as well as being air conditioned.

MVRTA drivers appeared to be much more conscientious in their collection of fares than did MBTA operators. This may be due to the MBTA's lack of interest in managing the zone fare system on the Lynn division to maximize revenues and minimize fare evasion.

MBTA operators on the Lynn division seem to feel as if they are on their own in terms of fare collection, and that management is not interested. The major example of this perceived lack of interest on the part of management is the absence of any system of fare receipts for the different zones, especially on the heavier routes.

This leaves the operator in the position of trying to remember where all the passengers got on, an impossible task that just leads to too many disputes with passengers. It must be noted that the previous operator of routes in the Lynn area, a private bus company, issued fare receipts, a practice continued by the MBTA for some time after the takeover of these routes.

The MVRTA also issues a complete "book" of all their services, complete with maps, as well as individual timetables for all routes. All buses appeared to carry individual schedules for the routes they were on.

MBTA Lynn division buses rarely carry any timetables and there are no maps available of either Lynn Division routes or the MBTA system.

The impression you take away after looking at both systems is that the MVRTA is a system seeking out riders and making an effort to keep them. The MBTA in Lynn seems to be seems to be running a random collection of buses for those people who have no other options.

Although quality of service issues are difficult to define, the lack of any attempt to do so may well lead to a system which is perceived as one of last resort.

And please, no MBTA surveys showing passenger acceptance of present operating conditions. I'm sure that such a survey of MBTA express bus riders would result in a high level of passenger approval, even though I believe every other express bus system in this country uses air conditioned buses for this type of service. People only know what they know and an innovative approach to find out what will attract and keep riders is needed. There are many examples throughout the country.

Effectiveness

I asked this question when fares were raised in 1981 and I got no answer. Since it is a fundamental question, I will again raise it: "What is the most effective way of providing transit access to as much of the population as possible given present and future financial constraints?"

To answer this question I believe we must ask more than just "How do we make the MBTA more efficient"?

Given the significant impacts of both the new Clean Air Act and worsening congestion, we need to review what we've accomplished in the past, and take a new look at where we need to be in the future.

Efficiency - A Warning

Over the past twenty years a great deal of money has been spent to upgrade the transit infrastructure and more needs to be done.

However, enough resources must be expended to adequately maintain what has been built. False efficiencies in maintenance or operations will severely impair the delivery of services and the ability to attract or keep riders.

Ridership Impacts

Before and after ridership estimates should include the impact of any fare increase on the Rapid Transit feeder bus network. Given the lack of any universal transfer policy for mode changes, a fare increase could have a significant impact on these services.

I can be reached at (617)484-9580 if you have any questions.

Thank you.

Sincerely,

John F. Deacon
Transportation Chair.

THIS MONTH

FACING UP TO FARE EVASION

MIKE KNUTTON

UNLIKE vandalism, whose effects on public transport systems can readily be seen and whose costs can readily be calculated, fare evasion is, by its very nature, a much more difficult crime to identify in detail in terms of scale, costs and effects. It is safe to say, however, that, worldwide, tickletless travel costs many hundreds of millions of dollars annually, and that if the cash could be collected it could be invested in the provision of better services for honest travellers. Initiatives to stem the tide, such as that recently introduced in Paris (see page 67), therefore deserve serious consideration and study.

Public transport authorities have never been overly keen on discussing fraud, partly because they lack information but also because they instinctively know that they themselves are to some extent responsible for the situation. The number of fare-dodgers is growing as fast as turnstiles and ticket machines remove platform inspectors and ticket issuing clerks.

In 1989, German Federal Railway (DB) quoted fraud as 3.5% of revenue, the Paris metro 5.8%, the Paris RER 7%, and the New York subway 6%. This, however, related to "visible" fraud and therefore ignored much fare evasion. The RATP in Paris reckons it loses $US 50 million a year from fare evasion, almost as much as the legendary New York subway token fraud estimated at $US 70 million a year.

Monthly one-day surveys are carried out in the New York subway and in 10 of the worst stations on April 11 last year, transit authority employees noted that between 15 and 38% of passengers did not pay.

A drastic tightening of ticket inspection coupled with heavier penalties for offenders seems to have the desired effect, but the cost of enforcement can be high, which at least partly nullifies the financial gain. It was reckoned in New York that one-third of the 463 stations would need security guards or police officers posted near turnstiles if fare evasion was to be ended.

Efforts range from the Algerian solution in which police and army were drafted in in 1988 to stem pervasive fraud (producing an immediate increase of 22% in passenger receipts) to a more gentle Dutch initiative of increasing fines to $US 60, which had a similar effect.

The new Parisian plan is a combination of greater physical presence and higher fines. It involves teams of inspectors "blitzkrieging" certain busy stations and checking a far higher percentage of travellers than was ever the case before.

Judgement must be postponed on whether the idea of giving inspectors the incentive of earning commissions on the fines they collect is a good one, but if the overall plan succeeds in wiping out only half of the fare evasion, it would provide enough cash to meet RATP's annual bill of $US 19 million to clean up graffiti. That would have the knock-on effect of eradicating much of the delinquency on the system and so create a better image for RATP and a much more comfortable and pleasant travelling environment for the public.

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NEWS IN BRIEF

NEW UIP LEADER

THE new general secretary of the International Union of Associations of Owners of Private Wagons (UIP) is Mr Roelf Janssen. He takes over from Mr Walter Suter. Janssen was formerly vice-president of the UIP.

EUROTUNNEL SUCCESS

EUROTUNNEL'S £530 million rights issue has been a success, with investors taking up 97% of the units offered. Funds from the issue, plus £2.6 billion of extra financing raised from banks, are expected to see the project through to completion in 1993.

CONRAIL MAKES SPACE

CONRAIL, United States, has completed a three-year, $US 33 million programme to increase the vertical clearance to 6.25m on its line between Chicago and the New York/New Jersey area. This will enable trains of double-stacked, high-capacity containers to use the line. The previous clearances meant that high-capacity containers could only be stacked with smaller ones.

MONORAIL EXTENDED

POÇOS de Caldas, Brazil, has extended its recently-opened monorail (IRJ December 1990 p4). The 3km initial line has been lengthened to 5km. Eventually a 30km network is planned in the resort town.

ZIMCO AIDS REHAB

ZAMBIA Industrial and Mining Corporation (Zimco) has pledged to rehabilitate Zambia Railways' main line from Livingstone via Lusaka to the Copperbelt area. The poor condition of the line is currently restricting locomotives to about 40km/h. Zimco says it is undertaking the project due to the economic importance of the line to the nation.

KUWAIT–BASRA LINE

A 150km rail link has been built between Kuwait City and Basra, Iraq, according to Iraq's transport minister Mr Hamid Hamzah. He claims that the link was created "to reinforce commercial links" between Kuwait City and Iraq. Kuwait was annexed by Iraq last August.

ALICE–DARWIN BY 2000?

CREATION of the National Rail Freight Corporation (IRJ December 1990 p14) ensures that the long-awaited rail link between Alice Springs and Darwin will be built by 2000, says Mr Marshall Perron, chief minister of Northern Territory, Australia. Estimated cost of the 1600km line is $A 1 billion ($US 760.5 million).

EIB LENDS TO TGV NORD

THE European Investment Bank has granted French National Railways (SNCF) a loan for the equivalent of FFr 1.2 billion ($US 241 million), which will be used to help finance TGV Nord. This is the bank's first loan for the project.

NEW METEOR LINES PROPOSED FOR PARIS

PROPOSAL for double-deck cors for the Eole line in Poris.

THE council of the Ile-de-France region and Iaurif, the regional town planning institute, have drawn up a plan costed at approximately FFr 40 billion ($US 8 billion) to improve orbital public transport routes around Paris. It includes two new Météor (Métro Est-Ouest Rapide) lines.

The "Orbital Project" is due to be presented to the government shortly, as part of a revision of the regional structure plan.

The project envisages 170km of new segregated routes, of which 40km are already under construction or planned. All modes would be used but modern rail technology—for example that of Météor, VAL, and light rail—would be given priority. Daily capacity is estimated at 700,000 passengers, and commercial speed would be 40km/h.

The plan is very similar to the proposals drawn up independently by Paris public transport authority (RATP) and described in IRJ September 1990 (p63). The most important differences are the addition of the two new Météor lines, and two VAL connections.

At present a Météor line is planned between Maison Blanche and Gare St Lazare, with extensions proposed to Cité Universitaire and to Asnières/Gennevilliers via Clichy. The Orbital Project proposes a second Météor line from La Défense via Clichy, St Ouen, and Aubervilliers to Montreuil; and a third one branching off the original line near Tolbiac and forking at Vitry, with one arm going south to Les Ardoines and the other east to Noisy-le-Grand.

A direct VAL line is proposed between Issy and St Cloud, continuing via Nanterre Université to Colombes. East of Issy, the line would run to Villejuif, as envisaged in the RATP proposals, but it would then continue via Les Ardoines to Créteil. The Viroflay–Antony orbital segment is foreseen as an eventual VAL or light rail line, and a VAL link is mooted between Le Plessis Robinson on this segment and Issy.

The Orbital Project is a long-term concept whose execution might be phased over 20 years.

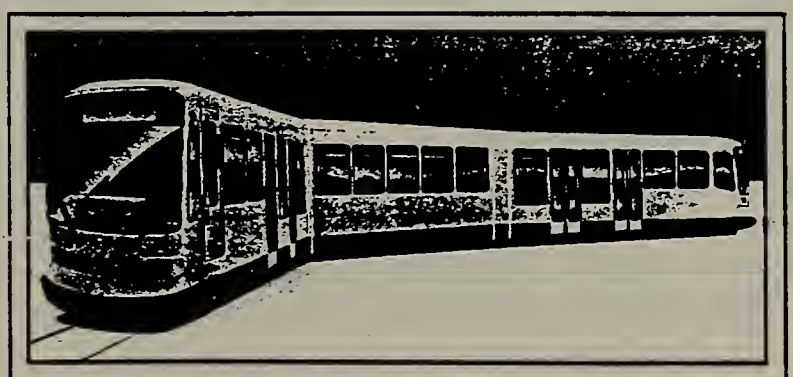
RATP TACKLES FARE DODGERS

PARISIANS are being subjected to much more rigorous ticket checks than previously as a new anti-fare-dodging plan adopted in October 1990 begins to bite. Difficult as it is to make assessments of the level of fare evasion, the Paris transport authority, RATP, estimates that it loses more than FFr 250 million ($US 50.2 million) a year from more than a quarter of a million fare dodgers.

RATP's anti-fraud campaign consists primarily of concentrating on tighter control of the 50% of turnstiles and gate lines which are used by 80% of passengers. This is coupled with stiffer penalties for people caught travelling without a ticket.

Up to October 1990, 600 inspectors patrolled all 503 turnstiles and gate lines on the network but only managed to contact 1% of passengers each day. Now, 630 inspectors, operating in teams of two or three, concentrate on 266 focal points and check 80% of passengers in a two-week period.

Ticketless travellers, of whom up to 2000 a day are being caught, can pay an on-the-spot fine or face a higher fine of up to FFr 250 if police action is taken. The inspectors, who have police protection in some of the 30 worst stations on the network, have their own incentive by receiving "commission" on fines.



CONSTRUCTION of the Supertram light rail network in Sheffield, Britain, is expected to begin in August (IRJ November 1990 p63). This follows the offer of some government funding for the £230 million project, which will create a 30km two-line network. Balfour Beatty, Britain, will construct the network, and Siemens, Germany, is designing and building 25, 80km/h, double-articulated LRVs, each of which will carry 250 passengers.

CHINA PLANS LRT TO HONG KONG

A $US 115 million, 34km light rail system is being planned by China to link the special economic zone of Shenzhen with the British colony of Hong Kong, which reverts to Chinese sovereignty in 1997.

Feasibility studies were completed last year. The Shenzhen economic zone was set up by China to attract foreign investment and technology. It was visited by an estimated 30 million Chinese and foreign travellers last year, and traffic congestion is already acute.

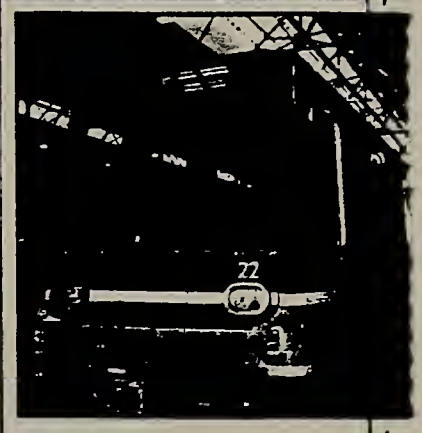
Two lines are proposed, one linking the Lo Wu terminal station of the Kowloon-Canton Railway on the Chinese border with the Shekou industrial zone, the other from the Shenzhen international airport, which is now under construction, to the border post of Huang-guang via the centre of Shenzhen.

A report published by the semi-official China News Service said the airport–Huang-guang line would eventually be extended to connect with the Tuen Mun light rail system in Hong Kong's New Territories.

BOMBARDIER WINS AC ORDER

NORTH America's first major production order of inner city rapid transit cars using ac motor technology has been won by Bombardier.

The company has won a $US 132.5 million contract from Massachusetts Bay Transportation Authority (MBTA) for 86 state-of-the-art, stainless steel cars for the Red Line of Boston metro. The contract includes an option for supply of up to 56 additional cars. Deliveries are due to begin in mid-1992.



THE FIRST of 44 new vehicles being built for London Docklands Light Railway (DLR) by BN, Belgium, with major subsystems supplied by Hawker Siddeley Rail Projects, Britain. BN now has an order for another 26 of the fully-automated vehicles.

NANTES LRT EXPANSION

CONSTRUCTION of a second light rail line in Nantes, France, was due to start this month and a third line is being studied. The second line will link communities in the southwest and northwest of the city, intersecting Line 1 in the centre.

Construction starts at Rezé-Trocadière in the southwest, and the first 5km section to the Line 1 intersection, which is due for completion in September 1992, will cost FFr 518 million ($US 104 million) including rolling stock. The rest of the line, northwards to Orvault-La Conraie is due for completion in September 1994.

The proposed third line would link St Herblain, which is also in the northwest of the city area but south of Orvault-La Conraie, with Vertou in the southeast. It would also pass through the Line 1/Line 2 intersection. IRJ

BOSTON
TRANSPORTATION
DEPARTMENT

[illegible] PLAZA ROOM 721
[illegible] MASSACHUSETTS 02201
[illegible] 725-4680 FAX (617) 227-[illegible]

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10 July 1991

Secretary Susan F. Tierney
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02202

Dear Secretary Tierney:

I am pleased to submit the following comments on the proposed certificate on the environmental notification form for the MBTA 1991 Fare Increase (EOEA 8684).

Overall, the certificate outlines a comprehensive scope for an environmental assessment of the impacts of the proposed fare increase. In particular, the requirements for a fare and revenue policy are welcome and will help ensure that the MBTA provide a useful document that will guide long-term policy.

Ridership impacts

As I indicated in my letter of May 28, I am concerned about the impacts of the proposed fare increase especially on low-income and transit-dependent riders. It is critically important that the MBTA evaluate the impacts of the fare increase for these passengers.

Since this is the first systemwide fare increase in 10 years, it would be extremely helpful for the MBTA to calculate the fare elasticities observed for each mode and/or fare category.

Environmental impacts

At the same time as the MBTA is proposing to increase fares, a process is underway to incorporate commitments to transit improvements in the State Implementation Plan (SIP) for the Clean Air Act. The MBTA should give consideration to the relationship between the two. The SIP amendment is designed to increase regional transit ridership, especially during the construction of

RAYMOND L. FLYNN, MAYOR
RICHARD A. DIMINO, COMMISSIONER

the Central Artery/Tunnel project. Yet this proposed fare increase could have exactly the opposite effect. What are the trade-offs between projected ridership gains for the capital program proposed in the SIP and projected ridership losses anticipated from the proposed fare increase?

Comprehensive fare policy

As you know, the City of Boston, along with the MBTA Advisory Board, has been working to ensure that the MBTA develop a comprehensive and equitable long-range fare policy and implementation plan. I am pleased to see that the certificate will require the MBTA to prepare such a policy, and I am hopeful that this document will outline a realistic long-term fare and revenue plan.

A fare policy should address pricing guidelines, transfer use, and the relationship between fare levels and appropriate cost indices. The MBTA should also explore the feasibility of options like time- and distance-based fares. An associated implementation plan could review fare collection options, strategies for marketing fare media (passes, tokens, multiple ride tickets), the timing of fare increases, and the public review process.

The certificate makes several references to indexing fare increases to the costs of automobile use. The MBTA should exercise caution in developing an appropriate index. Many measures of automobile costs are extremely volatile, reflecting wide fluctuations in gasoline costs. The MBTA should take care to examine a variety of indices that look at costs associated with residing and/or commuting in the Boston metropolitan area.

Timing of submissions

The timing of ridership counts and EIR submissions is confusing. The certificate calls for both at six months and a year after the fare increase is implemented. In order to allow time for proper analysis, it would seem more realistic to increase the intervals between ridership counts and reports.

Future adjustments to fare structure or mitigation

The certificate calls for fare adjustments if ridership drops by 5 percent or more. Given current economic conditions in the Commonwealth, it is important to separate ridership changes resulting from the fare increase from those that may reflect regional changes in employment patterns.

Finally, I am pleased to see that the Revenue and Service Advisory Committee has been asked to continue to review the environmental review process for the MBTA fare and revenue policy. I believe it would be helpful to add the perspective of a municipal government to this committee to identify local issues associated with fare policy and financing. The City of Boston has worked closely with the MBTA and the Advisory Board on these issues and we would be pleased to participate in a more formal role.

Thank you for this opportunity to comment.

Sincerely,

Richard A. Dimino
Commissioner

RAD:SB
4325T

METROPOLITAN AREA PLANNING COUNCIL
60 Temple Place
Boston, MA 02111

FAX # 482-7185

TRANSMITTAL COVER SHEET

DATE: July 12

TO: MEBA

COMPANY:

FAX NUMBER: 727-2754

FROM: Ed Bates

DEPARTMENT: MAPC

EXTENSION:

NUMBER OF PAGES FOLLOWING COVER: 2

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Metropolitan Area Planning Council
60 Temple Place, Boston, Massachusetts 02111 617/451-2770
Serving 101 cities and towns in metropolitan Boston

July 11, 1991

The Honorable Susan Tierney, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

RE: EOEA #8684, The MBTA 1991 Fare Increase

Dear Secretary Tierney:

On behalf of the Metropolitan Area Planning Council, I am writing in support of the issuance of the certificate on the fare increase as noticed in the most recent Environmental Monitor. The endorsement is based on an examination of both the procedural and substantive issues raised by this certificate.

Procedural Issues

For example, the Secretary has in effect created a waiver for a project which might not be categorically included. But the Secretary has determined that were this project categorically included, a waiver would be appropriate. The certificate futher articulates the various conditions for a waiver and finds that the ENF, plus supplemental material provided by the proponent, meets all the requirements of the regulations. Therefore, the Secretary has made a determination that were this project categorically included, the environment would be better served were the project allowed to proceed without an environmental impact report. We are convinced that since a waiver appears likely to be granted were the determination made that the project is categorically included, the purposes of MEPA in terms of environmental protection have been met in issuing the proposed certificate.

Franklin G. Ching, *President* Marjorie A. Davis, *Vice-President* Martha K. Gjesteby, *Secretary* Jay J. Donovan, *Treasurer*
PRINTED ON RECYCLED PAPER
David C. Soule, *Executive Director*

Substantive Issues

We concur that the final certificate require that a comprehensive fare policy document, in the form of an Environmental Impact Review, include

1. an exhaustive analysis of alternative revenue sources for the financing of MBTA capital and operating expenses, e.g. new parking taxes and/or increases in the gas tax, and

2. a policy on fare increases, e.g. factors that trigger future fare increases, a set "fare recovery ratio" distinct from a set "revenue recovery ratio."

To the degree possible, the EIR should quantify the impacts on vehicle travel and air quality as up to 43,000 transit riders may be diverted to the automobile as a result of this fare increase.

In conclusion, we wish to make it clear that our support for the draft certificate is based not only on the analysis of procedures, but most importantly, on the determination that the substance of the certificate is so significant as to require a "fast track" approach. In particular, the requirement of examination of mitigation, indexing, examination of alternatives, and the relevant timeframe are all integral components of the certificate and are necessary inclusions. We support the issuance of the certificate as drafted, but reserve our right to challenge the fare increase implementation prior to completion of the EIR should any of the requirements in the certificate be changed.

Sincerely,

F. G Ching

Franklin G. Ching
MAPC President

cc: David C. Soule, Executive Director
Ed Bates, Deputy Director
Carol Blair, Transportation Group Manager
John Noorjanian, MAPC staff
Lanny Johnson, MAPC Representative